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Wednesday, February 21, 2024

**FORTY-THIRD DAY**

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

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

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

The Clerk proceeded to read the Journal of Tuesday, February 20, 2024, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

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

**H. B. 4909**, Relating to eliminating the certificate of need program for health services,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4909** - "A Bill to repeal §9-5-19 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-2D-8 and §16-2D-10 of said code; to repeal §16-2N-3 of said code; to amend and reenact §33-15B-5 of said code; and to repeal §49-2-124 of said code; all relating to eliminating the certificate of need program except for hospice; deleting references to the certificate of need program throughout the code; and making technical corrections,"

And,

**H. B. 5530**, Relating to requiring a hospital to disclose price and fee information for certain health care services,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5530** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated, §16-5B-21, relating to requiring a hospital to disclose price and fee information for certain health care services,"

With the recommendation that the committee substitutes each do pass.

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

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

**S. B. 600**, Revising criteria for receiving reenlistment or retention bonus,

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

In the absence of objection, reference of the bill (S. B. 600) to the Committee on Finance was abrogated.

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

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

**H. C. R. 70**, Requesting that the West Virginia Legislature to declare June 12th Women's Veterans Appreciation Day in the State of West Virginia,

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

In accordance with the former direction of the Speaker, the resolution (H. C. R. 70) was referred to the Committee on Rules.

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. C. R. 8**, Judy Brothers Memorial Bridge,

**H. C. R. 66**, U.S. Army SP4 Lonnie "Bill" Walker Memorial Bridge,

And,

**H. C. R. 67**, Kenneth R. Lucas Memorial Bridge,

And reports the same back with the recommendation that they each be adopted, but that they first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolutions (H. C. R. 8, H. C. R. 66 and H. C. R. 67) were each referred to the Committee on Rules.

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

Your Committee on Political Subdivisions has had under consideration:

**Com. Sub. for S. B. 331**, Eliminating cap on maximum amount of money in county's financial stabilization fund,

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 331) was referred to the Committee on Finance.

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

Your Committee on Political Subdivisions has had under consideration:

**S. B. 168**, Granting municipal fire marshal authority to assist law-enforcement officer,

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

In accordance with the former direction of the Speaker, the bill (S. B. 168) was referred to the Committee on the Judiciary.

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

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

**H. C. R. 83**, A resolution to establish a Study Group to study the implementation of West Virginia Code §15-4-1 *et seq.* relating to the West Virginia State Guard and the re-establishment of a standing West Virginia State Guard,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. C. R. 83** - "Requesting the Joint Committee on Government and Finance to establish a study group to study,"

With the recommendation that the committee substitute be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolution (Com. Sub. for H. C. R. 83) was referred to the Committee on Rules.

On motions for leave, the following bills were introduced (Originating in the Committee on Economic Development and Tourism and reported with the recommendation that they each do pass), which were read by their titles, as follows:

**By Delegate Howell:**

**H. B. 5695** - "A Bill to amend and reenact Article 7, Chapter 8 of the Code of West Virginia, 1931, as amended; by adding thereto two new sections designated §8-7-5 and §8-7-6 of said code; all relating to establishing the process by which a Community Enhancement District may petition for the decrease of corporate limits within the district,"

And,

**By Delegate Howell:**

**H. B. 5696** - "A Bill to amend and reenact §20-17B-2 of the Code of West Virginia, 1931, as amended; relating to lead member county of the Upper Ohio Valley Trail Network Recreation Authority."

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. 4967**, Relating to the administration of the Voluntary Remediation and Redevelopment Act to provide new liability protections for persons and companies who wish to purchase and redevelop former industrial properties,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4967** - "A Bill to amend and reenact §22-22-1, §22-22-2, §22-22-3, §22-22-4, §22-22-5, §22-22-6, §22-22-7, §22-22-8, §22-22-9, §22-22-10, §22-22-11, §22-22-12, §22-22-13, §22-22-14, §22-22-15, §22-22-16, of the Code of West Virginia, 1931, as amended, to repeal §22-22-17 of said code, and amend and reenact §22-22-18 and §22-22-20, all relating to the administration of the Voluntary Remediation and Redevelopment Act to provide new liability protections for those who wish to purchase and redevelop former industrial properties; defining terms and revising existing definitions; providing for rulemaking; clarifying procedures involving the Brownfields Revolving Fund; revising public notice provisions concerning the fund; providing that the Secretary may limit the liability of lenders, innocent purchasers, landowners, de minimis contributors, or others who have limited responsibility for contamination under the Hazardous Waste Management Act, the Water Pollution Control Act, the Groundwater Protection Act or any other applicable law; providing that bona fide prospective purchasers are not liable for a containment at a brownfield site if defined conditions are met; providing that an innocent land owner who holds title or security interest in a brownfield site are not liable for contamination at a brownfield site if defined conditions are met; providing that a person that owns contiguous real property that is contaminated by a release of a hazardous substance from real property that is not owned by that person is not liable for contamination under defined conditions; providing that the Secretary may require anyone responsible for contamination to remediate sites where substances have been improperly managed; and making non-substantive technical corrections,"

**H. B. 4999**, Creating exception to spousal privilege,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4999** - "A Bill to amend and reenact §57-3-3 of the Code of West Virginia, 1931, as amended, relating to expanding the exception to spousal testimonial privilege to include cases of offenses committed against the grandchildren of either spouse,"

**H. B. 5093**, Relating to revision of orders concerning distribution of marital property,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5093** - "A Bill to amend and reenact §48-5-706 of the Code of West Virginia, 1931, as amended, relating to the revision of an order concerning distribution of marital property; and, providing guidelines for the same,"

**H. B. 5105**, To eliminate the vaccine requirements for public virtual schools,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5105** - "A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating to eliminating the vaccine requirements for students of public virtual

schools, private schools, and parochial schools unless the student participates in sanctioned athletic events,"

**H. B. 5254**, Relating generally to the creation of mental hygiene regions by the Supreme Court of Appeals,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5254** - "A Bill to amend and reenact §27-5-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §27-5-1b and §27-5-2 of said code; to amend said code by adding thereto a new section, designated §27-5-2b; to amend and reenact §27-5-4 of said code; to amend said code by adding a new article, designated §27-5A-1, §27-5A-2; and §27-5A-3; all relating generally to the creation of mental hygiene regions by the Supreme Court of Appeals; clarifying that mental hygiene evaluations and proceedings may be conducted by video technology; removing licensed professional counselors and licensed independent social workers as approved examiners for mental hygiene evaluations; creating a temporary observation release for mental hygiene respondents; clarifying that chief medical officer releases requiring approval of circuit court only apply to forensic patients; requiring hearings for any commitment period of longer than 90 days and prohibiting any person from being civilly committed to longer than 120 days without a hearing to determine whether the individual continues to meet commitment criteria; removing obsolete language regarding transcripts of proceedings to circuit court of county of residence; restructuring the mental hygiene commissioner system by authorizing new mental hygiene regions and full-time mental hygiene commissioners employed by the Supreme Court of Appeals; authorizing mental hygiene proceedings and evaluations by video and requiring facilities to provide technology that meets Supreme Court of Appeals specifications; authorizing statewide coverage for mental hygiene evaluations and permitting a mental hygiene commissioner to exclude evaluator testimony based on the West Virginia Rules of Evidence; and requiring each Certified Community Mental Health Center to ensure that at least one examiner is available to provide uniform and continuous coverage in each region, including afterhours, weekends, and holidays,"

And,

**H. B. 5539**, Providing that causes of action under Chapter 46A of the Code of West Virginia survive the death of the party,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5539** - "A Bill to amend and reenact §46A-2-122 and §55-7-8a of the Code of West Virginia, 1931, as amended, all relating to consumer credit and protection actions; amending definitions; and clarifying that any action for a violation of Chapter 46A of this code shall survive the death of the person entitled to recover or the death of the person liable,"

Note: Com. Sub. for H. B. 4621 was also on this report but a new report for it is to be reported tomorrow.

With the recommendation that the committee substitutes each do pass.

**Messages from the Executive  
and Other Communications**

A communication from His Excellency, the Governor, advised that on February 20, 2024, he approved Com. Sub. for S. B. 318, S. B. 428 and S. B. 543.

### Messages from the Senate

A message from the Senate, by

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

**Com. Sub. for S. B. 352** - "A Bill to amend and reenact §16-2R-3 and §16-2R-8 of the Code of West Virginia, 1931, as amended, relating to requiring voluntary and informed consent prior to performing an abortion; defining voluntary and informed consent as providing the patient information or availability of information on the associated medical risks, the opportunity to view an ultrasound, the probable gestational age, that perinatal hospital services are available, and that additional information is available on the Department of Health's website; and making technical changes"; which was referred to the Committee on Health and Human Resources.

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. 574** - "A Bill supplementing, amending, and increasing existing items of appropriation from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2024, organization 0803, for the fiscal year ending June 30, 2024"; which was referred to the Committee on Finance.

A message from the Senate, by

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

**Com. Sub. for S. B. 637** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-8-25, relating to a state or local government official removing publicly available personal information on the internet in certain circumstances; and defining terms"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 649** - "A Bill to amend and reenact §5-10-48 of the Code of West Virginia, 1931, as amended; and to amend and reenact §51-9-10 of said code, all relating to clarifying per diem compensation and reimbursable expenses for senior justices and judges of the intermediate, circuit and family courts recalled into service"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**S. B. 696** - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30,

2024, to the Department of Homeland Security, Division of Emergency Management, fund 8727, fiscal year 2024, organization 0606, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024"; which was referred to the Committee on Finance.

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. 700** - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2024, to the Miscellaneous Boards and Commissions, Hospital Finance Authority – Hospital Finance Authority Fund, fund 5475, fiscal year 2024, organization 0509, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024"; which was referred to the Committee on Finance.

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. 701** - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2024, to the Department of Education, School Building Authority – School Construction Fund, fund 3952, fiscal year 2024, organization 0404, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024"; which was referred to the Committee on Finance.

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

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. 707** - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2024, to the Department of Commerce, Division of Natural Resources – License Fund – Wildlife Resources, fund 3200, fiscal year 2024, organization 0310, and to the Department of Commerce, Division of Natural Resources – Nongame Fund, fund 3203, fiscal year 2024, organization 0310, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024"; which was referred to the Committee on Finance.

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. 708** - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2024, to the Executive, Department of Agriculture – West Virginia Spay Neuter Assistance Fund, fund 1481, fiscal year 2024, organization 1400, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024"; which was referred to the Committee on Finance.

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

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

A message from the Senate, by

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

**Com. Sub. for S. B. 740** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §61-8C-2a, relating to the filming of minors engaged in sexually explicit conduct; creating a new criminal offense of manipulating a photograph, image, video clip, movie, or similar recording containing sexually explicit conduct by the insertion thereof of a visual image of an actual minor so as to create the appearance that it is a minor engaged in the sexually explicit conduct; defining terms; clarifying that the offense is separate and distinct from any other; and establishing criminal penalties"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 741** - "A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8C-12, relating to establishing the criminal offenses of creating, producing, distributing, or possessing with intent to distribute artificial intelligence-created visual depictions of child pornography when no actual minor is depicted; setting forth findings; defining terms; clarifying that the visual depiction of a minor need not be of an actual person; and establishing criminal penalties"; which was referred to the Committee on the Judiciary.

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

**S. B. 752** - "A Bill to amend and reenact §19-1-4 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to complete certain land transfers"; which was referred to the Committee on Government Organization.

### Motions

Delegate Dean asked and obtained unanimous consent to be added as a cosponsor of Com. Sub. for H. B. 5691.

Delegate Hillenbrand asked and obtained unanimous consent to be added as a cosponsor of Com. Sub. for H. B. 4880.

Delegate Holstein asked and obtained unanimous consent to be added as a cosponsor of Com. Sub. for H. B. 5635.

### Special Calendar

#### Unfinished Business

**Com. Sub. for H. C. R. 7**, U. S. Navy Radarman 3rd Class Craig W. Haines Memorial Bridge; coming up in regular order, as unfinished business, was reported by the Clerk.

On motion of Delegates Linville and Ward, the resolution was amended on page 2, lines 18 through 20, by striking the clause in its entirety.

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. 243**), 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: Shamblin and Street.

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

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

**Com. Sub. for H. C. R. 12**, U. S. Marine Private First Class Calvin Lee Loudin Memorial Bridge; coming up in regular order, as unfinished business, was reported by the Clerk.

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. 244**), 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: Riley and Street.

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

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

**Com. Sub. for H. C. R. 19**, CPL Thomas Lowell Wines Memorial Bridge; coming up in regular order, as unfinished business, were reported by the Clerk.

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. 245**), 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: Riley.

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

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

**H. C. R. 20**, SP4 Donnie Lee Hackney Memorial Bridge; coming up in regular order, as unfinished business, was reported by the Clerk.

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. 246**), 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: Pinson, Street and Young.

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

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

**Com. Sub. for H. C. R. 37**, U. S. Army PFC Carl. J. Osburn Bridge; coming up in regular order, as unfinished business, was reported by the Clerk.

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. 247**), and there were-- yeas 100, nays none, absent and not voting none.

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

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

### Third Reading

**Com. Sub. for S. B. 668**, Increasing amount of certain controlled substances persons may purchase annually; 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. 248**), and there were--yeas 91, nays 9, absent and not voting none, with the nays being as follows:

Nays: Brooks, Burkhammer, Ellington, Heckert, Lewis, Pinson, Pushkin, Rowe and Vance.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 668) passed.

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

**H. B. 4299**, Permit teachers in K-12 schools be authorized to carry concealed firearms as a designated school protection officer; on third reading, coming up in regular order, with amendments pending, was reported by the Clerk.

Delegates Foster, Smith and Kirby moved to amend the bill on page 3, section 11a, line 56, by striking the words, "may designate one or more elementary or secondary school teachers, administrators, or support personnel as a SPO." and inserting in lieu thereof the following:

"shall designate one or more elementary or secondary school teachers, administrators, or support personnel as a SPO if they have applied, met all of the requirements and are otherwise eligible."

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

The yeas and nays having been ordered, they were taken (**Roll No. 249**), and there were--yeas 79, nays 21, absent and not voting none, with the nays being as follows:

Nays: Ellington, Ferrell, Fluharty, Garcia, Griffith, Hall, Hamilton, Hansen, Hornbuckle, Lewis, Pushkin, Riley, Rowe, Shamblin, Statler, Toney, Warner, Westfall, Williams, Young and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the amendment was adopted.

Delegates Fluharty, Hornbuckle, Hamilton, Garcia, Griffith, Hansen, Lewis, Rowe, and Young moved to amend the bill on page 3, Section 11a, line 59, following the period, by inserting a new sentence, to read as follows:

"Any person designated as a SPO shall be compensated with an one-time bonus of \$25,000 within 30 days of completion of all required training."

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

The yeas and nays having been ordered, they were taken (**Roll No. 250**), and there were--yeas 13, nays 87, absent and not voting none, with the yeas being as follows:

Yeas: Fluharty, Garcia, Griffith, Hall, Hamilton, Hansen, Hornbuckle, Lewis, Pushkin, Rowe, Shamblin, Williams and Young.

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

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. 251**), and there were--yeas 89, nays 11, absent and not voting none, with the nays being as follows:

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

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4299) passed.

Unanimous consent was obtained to suspend House Rule 94 and add Delegate Foster as the twelfth sponsor of the bill.

*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. 5065**, Regarding continuing education requirements and compensation of Guardians Ad Litem; on third reading, coming up in regular order, was read a third time.

Delegates Akers, Fast, Garcia, Kirby, Nestor, C. Pritt 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.

Note: Roll No. 252 was used for the Rule 49 requests.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 253**), 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: Mazzocchi.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5065) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk, and adopted, amending the title to read as follows:

**Com. Sub. for H. B. 5065** - "A Bill to amend and reenact §29-21-13a of the Code of West Virginia, 1931, as amended; to amend and reenact §44-10-14 of said code; and to amend and reenact §49-4-601 of said code, all relating to attorneys appointed as legal counsel or guardians ad litem for minor children in certain circumstances; providing for payment of certain panel attorneys serving as legal counsel or guardians ad litem for minor children in child abuse or neglect proceedings; providing for payment of certain attorneys appointed as guardians ad litem in minor settlement proceedings; requiring continuing education for certain attorneys; and requiring certain orders to contain reimbursement and compensation in minor settlement proceedings."

*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. 5347**, Relating to establishing a program for emergency medical services personnel to become certified paramedics; 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. 254**), and there were--yeas 100, nays none, absent and not voting none.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5347) passed.

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

On this question, the yeas and nays were taken (**Roll No. 255**), and there were--yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5347) takes effect July 1, 2024.

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

**Com. Sub. for H. B. 5361**, Relating to allowing influenza immunizations to be offered to hospital patients; 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. 256**), and there were--yeas 60, nays 39, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Bridges, Brooks, Burkhammer, Butler, T. Clark, W. Clark, Coop-Gonzalez, Crouse, Dean, Dillon, Foggin, Forsht, Foster, Gearheart, Green, Hardy, Hite, Hornby, Horst, Householder, Howell, Jeffries, Jennings, Kimble, Kirby, Kump, Lewis, Longanacre, Mazzocchi, Moore, Nestor, C. Pritt, Ridenour, Ross, Steele, Street, Summers, Vance and Worrell.

Absent and Not Voting: Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5361) 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. 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 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. 257**), and there were--yeas 97, nays 2, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Miller and Tully.

Absent and Not Voting: Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5635) passed.

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

**H. B. 5691**, Relating to a biennial capitation rate review to be conducted by the Bureau of Medical Services; 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. 258**), 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: Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5691) 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.

**S. B. 602**, Cardiac Emergency Response Plan Act; on second reading, coming up in regular order, was read a second time.

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

**"CHAPTER 16. PUBLIC HEALTH.****ARTICLE 57. SUDDEN CARDIAC ARREST PREVENTION ACT.****§16-57-1. Purpose.**

[Repealed]

**§16-57-2. Definitions.**

[Repealed]

**§16-57-3. Applicability, educational materials, removal from play, and training.**

[Repealed]

**§16-57-4. Rulemaking.**

[Repealed]

**CHAPTER 18. EDUCATION.****ARTICLE 5. COUNTY BOARD OF EDUCATION.****§18-5-22e. Cardiac response plans.**

(a) For the purposes of this section, the following terms are defined:

'Cardiac Emergency Response Plan' or 'the plan' means a written document that establishes the specific steps to reduce death from cardiac arrest.

'Automated External Defibrillator' means a lightweight, portable device that delivers an electric shock through the chest to the heart.

'School' means any school with an athletic department or organized athletic program under the jurisdiction of a county board of education.

'Sudden Cardiac Arrest' means when the heart malfunctions and stops beating unexpectedly.

(b) A school shall develop a cardiac emergency response plan that provides for the following:

(1) A school with an athletic department or organized athletic program shall develop a cardiac emergency response plan that addresses the appropriate use of school personnel to respond to incidents involving an individual experiencing sudden cardiac arrest or a similar life-threatening emergency while attending or participating in an athletic practice or event while on school grounds; and

(2) School staff trained in first-aid, CPR, and automated external defibrillator use that follow evidence-based guidelines including but not limited to licensed coaches, school nurses, and athletic trainers.

(c) Prior to the start of each athletic season, a school subject to this section shall hold an informational meeting for students, parents, guardians, or other persons having care or charge of a student, regarding the warning signs of sudden cardiac arrest for children of all ages.

(d) No student may participate in an athletic activity until the student has submitted to a designated school official, a form signed by the student and the parent, guardian, or other person having care or charge of the student, stating that the student and the parent, guardian, or other person having care or charge of the student have received and reviewed a copy of the cardiac emergency response plan developed by the school and posted on its webpage. A completed form shall be submitted each school year in which the student participates in an athletic activity.

(e) No individual may coach an athletic activity unless the individual has completed, on an annual basis, the sudden cardiac arrest training course approved by the Department of Education.

(f) A student shall not be allowed to participate in an athletic activity if either of the following is the case:

(1) The student is known to have exhibited syncope or fainting at any time prior to or following an athletic activity and has not been evaluated and cleared for return after exhibiting syncope or fainting; or

(2) The student experiences syncope or fainting while participating in, or immediately following, an athletic activity.

(g) If a student is not allowed to participate in or is removed from participation in an athletic activity under subsection (f) of this section, the student shall not be allowed to return to participation until the student is evaluated and cleared for return in writing by any of the following:

(1) A physician authorized under §30-14-1 *et seq.* of this code;

(2) A certified nurse practitioner, or certified nurse specialist; or

(3) A physician assistant licensed under §30-3E-1 *et seq.* and §30-14A-1 *et seq.* of this code.

(h) School officials shall work directly with local emergency service providers to integrate the plan into the community's EMS responder protocols, which shall include, at a minimum, the following:

(1) Establishing a cardiac emergency response team;

(2) Activating the team in response to a sudden cardiac arrest;

(3) Implementing automated external defibrillator placement and routine maintenance within the school;

(4) Disseminating the plan throughout the school campus;

(5) Maintaining ongoing staff training in CPR/AED use;

(6) Plan for practicing skills learned;

(7) Integrating local EMS with the plan;

(8) Ongoing and annual review and evaluation of the plan; and

(9) Appropriate automated external defibrillator placement.

(i) The State Board of Education may promulgate a legislative rule pursuant §29A-3B-1 et seq. of this code to ensure compliance with this section by county school boards.

(j) A county board of education may accept gifts, grants, and donations, including in-kind donations designated for the purchase of an automatic external defibrillator that meets the standards established by the United States Food and Drug Administration and for the costs incurred to inspect and maintain such device and train staff in the use of such device."

The bill was then ordered to third 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; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 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; on second reading, coming up in regular order, was reported by the Clerk.

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

**Com. Sub. for H. B. 4706**, Creating the utility pole rights of way and easement mapping initiative; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 4880**, Relating to personal income tax social security exemption; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 5020**, Relating to deferred adjudication and pre-trial diversions for first offense DUI cases; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 5024**, Relating to exempting non-grantor trusts administered in this state from the personal income tax; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**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; on second reading, coming up in regular order, was reported by the Clerk.

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

**Com. Sub. for H. B. 5238**, Mandating that all courts provide adjudication for juvenile offenders for traffic violations to the Division of Motor Vehicles; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 5280**, West Virginia Short Line Railroad Modernization Act; on second reading, coming up in regular order, was reported by the Clerk.

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

**Com. Sub. for H. B. 5544**, Relating to requiring certain reporting from the Mountaineer Trail Network Authority each year; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

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

### First Reading

**S. B. 172**, Revising requirements of local school improvement councils; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**S. B. 658**, Supplementing and amending appropriations to Department of Administration, Public Defender Services; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 5031**, Relating to human trafficking; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for 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; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 5162**, Establish a program to promote creation and expansion of registered apprenticeship programs; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 5180**, Removing requirements to submit certain evidence on behalf of home schooled children; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 5235**, To double the criminal penalty for anyone found guilty of sexual assault on a minor; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 5245**, Supplementing, amending, and increasing existing items of appropriation from the State Road Fund to the Department of Transportation, Division of Highways; on first reading, coming up in regular order, was reported by the Clerk.

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

**Com. Sub. for H. B. 5395**, Relating to judicial review of Board decisions; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 5520**, Relating to juvenile competency; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 5536**, Relating to the assessment of interest on overpayments by the Bureau for Medical Services; on first reading, coming up in regular order, was reported by the Clerk.

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

**Com. Sub. for H. B. 5561**, Relating to permitting the electronic execution of trusts; on first reading, coming up in regular order, was read a first time and ordered to second reading.

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

**H. B. 5582**, Modifying exceptions for real estate appraisal licensure; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 5593**, Relating to the creation, composition, qualifications, and compensation of the State Board of Risk and Insurance Management; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 5621**, Prohibiting the termination of employment of an employee who defends themselves from an attack inside workplace; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 5647**, Increasing and maintaining the bracketed tax rates on the privilege of establishing or operating a health maintenance organization; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 5662**, Relating to adding "person in a position of trust" to certain crimes; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 5690**, Creating a West Virginia Task Force on Artificial Intelligence; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 5694**, Relating to the Firearms Industry Nondiscrimination Act; on first reading, coming up in regular order, was read a first time and ordered to second reading.

### **Miscellaneous Business**

Delegates Tully, C. Pritt and Kimble asked and obtained unanimous consent to be added as a cosponsor of H. B. 4909.

Consent was obtained for the comments of Delegate Hornbuckle regarding H. B. 4299 to be printed in the Appendix to the Journal.

Consent was obtained for the comments of Delegate Ridenour regarding Com. Sub. for H. C. R. 7, Com. Sub. for H. C. R. 12, Com. Sub. for H. C. R. 19 and H. C. R. 20 to be printed in the Appendix to the Journal.

Consent was obtained for the comments of the Delegate Griffith regarding Com. Sub. for H. C. R. 37 to be printed in the Appendix to the Journal.

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

**H. B. 4909:** Delegate Horst;

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

And,

**H. B. 5530:** Delegate Jeffries.

At 2:38 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 22, 2024.

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