

West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Sixth Legislature
Second Regular Session

Held at Charleston
Published by the Clerk of the House



February 22, 2024
FORTY-FOURTH DAY

Thursday, February 22, 2024

FORTY-FOURTH 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 Wednesday, February 21, 2024, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Jeffries announced that S. B. 461, H. B. 5280 and Com. Sub. for H. B. 5606, on Second Reading, Special Calendar, had been transferred to the House Calendar; and Com. Sub. for H. B. 4909, Com. Sub. for H. B. 5536 and H. B. 5695, on First Reading, Special Calendar, had been transferred to the House Calendar.

Committee Reports

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:

Com. Sub. for H. B. 4621, Relating to the Division of Corrections and Rehabilitation posting mug shot photos for an arrest,

And reports back a revised committee substitute therefor, as follows:

Revised Com. Sub. for H. B. 4621 - "A Bill to amend and reenact §62-1-5 of the Code of West Virginia, 1931, as amended, relating to criminal procedure; preliminary procedure; and when a booking photograph of an accused person may be made public or published by the West Virginia Division of Corrections and amends to provide that booking photographs are not public records and amends to provide that law enforcement agencies and the Division of Corrections and Rehabilitation shall not be held liable for release of booking photographs and amends to provide that a defendant is entitled to a copy of their booking photograph and amends to require "remove for pay publications or websites" to remove a booking photograph and establishes civil liability for remove for pay publications or websites" when they do not remove,"

With the recommendation that the revised committee substitute 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. 5130, Relating to criminal trespass,

And,

H. B. 5430, Relating to per diem compensation and expenses of newly elected or appointed judicial officers receiving education and training prior to taking the oath of office,

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

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

Your Committee on Government Organization has had under consideration:

H. B. 4744, Requiring certain non-discretionary procedures be strictly complied with by the West Virginia Parkways Authority before tolls, rents, fees or charges may be increased,

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

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. 5613, Creating plans to protect West Virginia from major crises,

And reports the same back with the recommendation that it 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. 5178, Requiring car dealerships in this state to utilize a search engine to determine if buyers of vehicles have valid motor vehicle insurance,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5178 - "A Bill to amend and reenact §17D-2A-6a of the Code of West Virginia, 1931, as amended, relating to requiring new and used motor vehicle dealerships in this state to utilize a search engine to determine if prospective buyers of vehicles have valid motor vehicle insurance,"

And,

H. B. 5355, Allowing volunteer fire departments to use fire protection funding for certain purchases,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5355 - "A Bill to amend the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §15A-11-12, relating to the Fire Protection Fund and its use by volunteer and part-volunteer fire companies and departments; making a legislative finding; defining a term; providing that volunteer and part-volunteer fire companies and departments may use monies from the Fire Protection Fund to pay expenses associated with the required implementation of the State Auditor's West Virginia Checkbook fiscal reporting system,"

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. 5025, To repeal the additional one and one-half percent interest rate for underpayments and specify an effective date,

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

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. 4549, Relating to consumers sales and service tax and use tax exemption for certain goods to be incorporated into a qualified, new or expanded warehouse or distribution facility,

And,

H. B. 5548, Clarify that tourism development projects and tourism development expansion projects are only required to satisfy the standards approved by the West Virginia Department of Economic Development for the design, acquisition, construction, and equipping thereof,

And reports the same back with the recommendation that they each 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:

H. B. 4829, Relating employment of service personnel and removing the requirement for a high school diploma or general education development certificate,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4829 - "A Bill to amend and reenact §18A-2-5 of the Code of West Virginia, 1931, as amended, relating to employment of service personnel and removing the requirement for a high school diploma or general education development certificate for school bus drivers and custodians who are 21 years of age or older,"

And,

H. B. 5425, Granting a waiver to fill certain professional educator positions of employments when no applicants have six or more years of experience,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5425 - "A Bill to amend and reenact §18A-4-7a of the Code of West Virginia, 1931, as amended, relating to clarifying the amount of experience required in the hiring of professional education personnel; and providing that those years of experience gained outside of the county or state shall count towards the required threshold,"

With the recommendation that the committee substitutes each 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:

H. B. 4902, To provide a raise for special education aides, as well as a raise for self-contained special education teachers,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4902) was referred to the Committee on Finance.

Delegate Mallow, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

Com. Sub. for S. B. 445, Reducing certification periods and renewal fees for EMS personnel,

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 445) was referred to the Committee on Government Organization.

Delegate Mallow, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

Com. Sub. for S. B. 557, Relating to compensation for firefighters required to work holidays,

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 557) was referred to the Committee on Government Organization.

Delegate Mallow, Chair of the Committee on Fire Departments and Emergency Medical Services submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

H. C. R. 82, To create a study resolution to review training, equipment and operating standards, and for certification and evaluation of local and rural fire departments for retention, training, and recruitment purposes,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. C. R. 82 - "Requesting the Joint Committee on Government and Finance to study issues relating to rules for training, equipment and operating standards, and for certification and evaluation of local and rural fire departments for retention, training, and recruitment purposes,"

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. 82) 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. B. 5565, Relating to requiring the Division of Motor Vehicles to provide an identification card for eligible released inmates,

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

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 4705, Relating to the consumers sales and service tax and returning the refundable exemption for sales of construction and maintenance materials acquired by a second party for use in Division of Highways projects,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4705) was referred to the Committee on Finance.

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

By Delegates Ellington, W. Clark, Longanacre and Smith:

H. B. 5697 - "A Bill to amend and reenact §18-5G-3 and §18-5G-7 of the Code of West Virginia, 1931, as amended, all relating to providing for technical cleanup of certain provisions of the public charter school code provisions."

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. 4507, Creating a tax credit for improving facades in historic districts,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4507 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12o; and to amend said code by adding thereto a new section, designated §11-24-23h, all relating to reducing income tax liability for taxpayers who improve certain building facades in historic districts; providing for a tax credit of the replacement cost of historic facades; providing for a reduction in federal adjusted gross income in certain circumstances for certain replacement costs of historic facades; setting forth conditions; providing for application; and requiring rulemaking,"

H. B. 4548, Relating to authorizing application of the manufacturing investment tax credit and the manufacturing property tax adjustment credit against personal income tax,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4548 - "A Bill to amend and reenact §11-13S-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-13Y-5 of said code, all relating to authorizing application of the manufacturing investment tax credit and the manufacturing property tax adjustment credit against personal income tax; defining terms; deleting superannuated language; specifying application of tax credit; specifying effective date; and making stylistic revisions,"

H. B. 4882, Extending in-state tuition rates to all members and veterans of the National Guard, reserves, and armed forces as well as their spouses and dependents,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4882 - "A Bill to amend and reenact §18B-10-1a of the West Virginia Code 1931, as amended, to extend in-state tuition rates to all members and veterans of the National Guard, reserves, and armed forces as well as their spouses and dependents, when they choose to move to West Virginia for the purpose of attending state institutions of higher education,"

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

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5134 - "A Bill to amend and reenact §11-13MM-2 and §11-13MM-4 of the Code of West Virginia, 1931, as amended, all relating to providing for the continuation of the disabled veteran real property tax credit for certain widowed spouses,"

H. B. 5399, To modify the state auditing practices of the volunteer and part-volunteer fire departments,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5399 - "A Bill to repeal §12-4-14a of the Code of West Virginia, 1931, as amended, and to amend and reenact §12-4-14 and §12-4-14b of said code; and to amend and reenact §33-3-33 of said code, all relating to duties of the State Auditor; repealing section creating terminated program; directing state audit functions of volunteer and part-volunteer fire departments to the State Auditor; requiring certain periodic audits; prohibiting distributing state funds to volunteer and part-volunteer fire departments that fail to comply with audit requirements; providing for restitution be paid to volunteer and part-volunteer fire departments double the amount of property unlawfully taken; requiring posting a notice of penalty in volunteer and part-volunteer fire departments; establishing a pilot project of volunteer and part-volunteer fire departments to evaluate implementation of the State Auditor's Checkbook accounting system; clarifying what grants are subject to reporting requirements of the Grant Transparency and Accountability Act; defining terms; and making other technical clarifications,"

And,

H. B. 5435, Establishing the registered apprenticeship to associate of applied science program to be administered by the Council for Community and Technical College Education,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5435 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-3D-7, establishing the registered apprenticeship to associate of applied science program to be administered by the Council for Community and Technical College Education,"

With the recommendation that the committee substitutes each do pass.

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

Your Committee on the Judiciary has had under consideration:

H. B. 4667, To prohibit the distribution of smoking devices as part of a harm reduction program,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4667 - "A Bill to amend and reenact §16-64-3 of the Code of West Virginia, 1931, as amended, relating to syringe services programs; and prohibiting syringe services programs from distributing listed smoking devices,"

H. B. 4753, Requiring health insurance policies and medicaid to cover biomarker testing,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4753 - "A Bill to amend the code of West Virginia, 1931, by adding thereto a new section designated, §5-16-7h; to amend said code by adding thereto a new section designated §9-5-34; to amend said code by adding thereto a new section designated §33-15-4x; to amend said code by adding thereto a new section designated §33-16-3aa; to amend said code by adding thereto a new section designated §33-24-7y; to amend said code by adding thereto a new section designated §33-25-8v; and to amend said code by adding thereto a new section designated §33-25A-8y, all relating to providing health insurance coverage concerning biomarker testing,"

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

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4864 - "A Bill to amend and reenact §16-13-16 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section designated §16-13-16a, all relating to prohibiting municipalities from shutting off a user's water for nonpayment of stormwater fees without notice; creating a board to hear appeals for assessment of estimated usage units; and allowing for municipalities to impose a lien to obtain payment without shutting off or disconnecting service,"

H. B. 4952, Relating to time frame of service of notice,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4952 - "A Bill to amend and reenact § 11A-3-55 and §11A-3-59 of the Code of West Virginia, 1931, as amended, relating to providing 120 days to persons who are served notice by purchaser of tax lien to redeem subject property,"

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

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4963 - "A Bill to amend the Code of West Virginia, 1931, by adding thereto a new article, designated §61-3F-1, §61-3F-2, §61-3F-3, §61-3F-4, and §61-3F-5; all relating to prohibiting certain uses of deep fake technology; prohibiting the use of deep fake technology to influence an election; providing for definitions; explaining manner of violation; providing exceptions and exemptions; providing for a penalty; and allowing injunctive relief,"

H. B. 5062, Relating to permit a guardian ad litem to request the assistance of a court appointed special advocate,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5062 - "A Bill to amend and reenact §49-4-601 of the Code of West Virginia, 1931, as amended, relating to procedures in cases of child neglect or abuse; allowing a guardian ad litem to request the appointment of a court appointed special advocate if that circuit court is serviced by a court appointed special advocate,"

H. B. 5151, Relating to defining term fictive kin,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5151 - "A Bill to amend and reenact §49-1-206 of the Code of West Virginia, 1931, as amended, relating to adding former foster parents to the definition of fictive kin,"

H. B. 5516, Relating to criminalizing the use of deep fakes,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5516 - "A Bill to amend and reenact §61-8-28 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-8C-1 of said code, all relating to prohibiting the use of deep fake images for the nonconsensual disclosure of private intimate images; prohibiting the unlawful depiction of nude or partially nude minors or minors engaged in sexually explicit conduct; establishing such conduct as criminal offenses, subject to criminal penalties,"

And,

H. B. 5572, Prohibiting cameras and recording devices in bedrooms and bathrooms of foster children,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5572 - "A Bill to amend and reenact §49-2-128 of the Code of West Virginia, 1931, as amended, relating to prohibiting cameras, for the purpose of unattended surveillance or recording, in bedrooms and bathrooms of foster homes; exemptions,"

With the recommendation that the committee substitutes each do pass.

Delegate Mallow, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

S. B. 170, Relating to compensable diseases of certain firefighters covered by workers' compensation,

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

In accordance with the former direction of the Speaker, the bill (S. B. 170) was referred to the Committee on Finance.

Mr. Speaker (Mr. Hanshaw), Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules 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.

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. 453 - "A Bill to amend and reenact §5-16-9 of the Code of West Virginia, 1931, as amended, relating to the Public Employees Insurance Agency; prohibiting a pharmacy benefit manager from reimbursing certain pharmacies or pharmacists in an amount less than the national average drug acquisition cost for a prescription drug or pharmacy service; requiring the pharmacy benefit manager to pay a dispensing fee at least equal to the fee paid by West Virginia Medicaid; providing for alternative payment calculation in the event that the national average drug acquisition cost is not available; defining terms; providing effective date; requiring additional pharmacy data variables be reported to the Public Employees Insurance Agency; removing language requiring data provided by the pharmacy benefit manager to be kept confidential; requiring the director of the Public Employees Insurance Agency to report on an annual basis; requiring the Public Employees Insurance Agency to require specific terms in its contract with a pharmacy benefit manager; requiring a study; providing for a due date for the findings in the study; and making technical corrections"; 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

S. B. 494 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §36-3A-1, §36-3A-2, §36-3A-3, §36-3A-4, §36-3A-5, §36-3A-6, §36-3A-7, §36-3A-8, and §36-3A-9, all relating to creating the Uniform Unlawful Restriction in Land Records Act"; 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. 533 - "A Bill to amend and reenact §16-4C-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-4C-26; to amend said code by adding thereto a new section, designated §33-15-4x; to amend said code by adding thereto a new section, designated, §33-16-3rr; to amend said code by adding thereto a new section, designated §33-24-7y; to amend said code by adding thereto a new section, designated 33-25-8v; and to amend said code by adding thereto a new section, designated §33-25A-8y, all relating to emergency medical services; defining terms; providing that an emergency medical services agency may triage and transport a patient to an alternate destination in certain circumstances; mandating insurance coverage of emergency medical services include triage,

treat, and transport to an alternative destination, or to treat in place; and providing effective date"; 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, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 630 - "A Bill to amend and reenact §3-8-12 of the Code of West Virginia, 1931, as amended, relating to defining protections for election officials and election workers, including poll workers while performing the duties of the election process; and clarifying the conditions and circumstances of protections"; 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. 667 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-3G-1, §30-3G-2, §30-3G-3, §30-3G-4, §30-3G-5, §30-3G-6, §30-3G-7, §30-3G-8, §30-3G-9, §30-3G-10, §30-3G-11, §30-3G-12, and §30-3G-13, all relating to creating the Physician Assistant Licensure Compact; providing for a purpose; creating definitions; providing for state participation in the compact; creating the compact privilege; providing for the designation of the state from which licensee is applying for a compact privilege; defining adverse actions; providing for the establishment of the Physician Assistant Licensure Compact Commission; defining the data system; providing for rulemaking; providing for oversight, dispute resolution, and enforcement; providing for the date of implementation of the Physician Assistant Licensure Compact Commission; providing for construction and severability; and creating the binding effect of the compact"; which was referred to the Committee on Government Organization.

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. 683 - "A Bill to amend and reenact §11-14C-2 of the Code of West Virginia, 1931, as amended, relating to the motor fuel excise tax; and modifying defined terms"; which was referred to the Committee on Energy and Manufacturing.

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. 688 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-3-4a, relating to authorizing the Director of the Division of Forestry and the Director of the Division of Natural Resources to contract for the management of state-owned and -leased forests and wooded lands for purposes of preventing forest fires; providing for procedures and requirements to enter into land management contract; establishing competitive bidding process; providing for proceeds from contracts to be paid to treasurer and credited to the appropriate division for certain purposes; and authorizing either director to directly award a contract under certain circumstances when necessary for an economic development project"; which was referred to the Committee on Government Organization.

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. 690 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-36-6, relating to creating a commission on West Virginia Agritourism; providing for membership, appointment, and term lengths; clarifying members receive no compensation or reimbursement for expenses; providing for powers and duties; and requiring report to Legislature and Governor"; which was referred to the Committee on Government Organization.

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. 711 - "A Bill to amend and reenact §15-10-5 of the Code of West Virginia, 1931, as amended, relating to eliminating the list of federal agencies and agents who, under limited circumstances, may enforce state laws; clarifying that qualified law enforcement from any federal agency may enforce state laws under limited circumstances"; 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. 722 - "A Bill to amend and reenact §29-22B-1406 of the Code of West Virginia, 1931, as amended, relating to limiting financial records of limited video lottery permittee that are subject to examination by Lottery Commission"; 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. 727 - " A Bill to amend and reenact §18-5A-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-4-8b of said code, all relating to revising the process for county boards of education to hire aides and early childhood classroom assistant teachers; allowing the principal or certain other person designated in West Virginia Board of Education rule to be given opportunity to interview all qualified applicants and make recommendations regarding their employment; allowing faculty senate to interview or otherwise obtain information regarding applicants; adding to criterion that decisions affecting promotions and filling of the aide and early childhood classroom assistant teacher positions are to be based on; specifying weight to be given to each criterion; requiring all qualified applicants to be considered together in one group; requiring appointment of applicant if the principal and faculty senate recommend the same applicant and the county superintendent concurs; requiring state board rule to implement and interpret certain provisions; and establishing effective date"; 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 738 - "A Bill to amend and reenact §15A-10-7 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Fire Marshal to promulgate emergency rules relating to increased fees"; which was referred to the Committee on Government Organization.

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. 779 - "A Bill to amend and reenact §61-12-10 of the Code of West Virginia, 1931, as amended, relating to postmortem examinations"; 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, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 785 - "A Bill to amend and reenact §49-5-101 of the Code of West Virginia, 1931, as amended, relating to adding the Foster Care Ombudsman as a person to have access to records concerning a child or juvenile"; which was referred to the Committee on the Judiciary.

Resolutions Introduced

Resolutions were introduced and severally referred as follows:

By Delegates Linville, Cannon, Barnhart, Hite, DeVault, Mallow, Sheedy, Coop-Gonzalez, Green, T Clark, Hillenbrand, Anderson, Brooks, Burkhammer, Butler, Campbell, Chiarelli, W. Clark, Dean, Dillon, Dittman, Ellington, Fast, Foster, Holstein, Hornby, Horst, Howell, Jennings, Kelly, Lucas, Marple, Martin, Mazzocchi, Miller, Nestor, Petitto, Phillips, C. Pritt, E. Pritt, Riley, Ross, Statler, Stephens, Street, Summers, Toney, Tully, Vance, Warner, Westfall, Willis and Zatezalo:

H. C. R. 86 --"Honoring Hershel "Woody" Williams as one of two West Virginia statues in the National Statuary Hall Collection"; to the Committee on Rules.

By Delegates Vance, Dean, T Clark, Hornby, Dittman, Longanacre, Thorne, Adkins, Petitto, E. Pritt, Anderson, Barnhart, Campbell, Cannon, Chiarelli, W. Clark, Crouse, DeVault, Dillon, Ellington, Fast, Fehrenbacher, Ferrell, Fluharty, Foggin, Garcia, Green, Griffith, Hamilton, Heckert, Hite, Holstein, Hornbuckle, Horst, Howell, Kelly, Lewis, Linville, Lucas, Mallow, Marple, Martin, Maynor, Mazzocchi, Miller, Moore, C. Pritt, Pushkin, Riley, Rohrbach, Ross, Sheedy, Smith, Stephens, Toney, Tully, Ward, Warner, Westfall, Williams, Willis, Winzenreid, Young, Zatezalo and Hanshaw (Mr. Speaker):

H. C. R. 87 - "Requesting and directing the West Virginia Economic Development Authority to locate and identify land in the Flatwoods area suitable for development into facilities for public entertainment, amusement and tourism, identify and secure sources of funding for their development and to also solicit and locate private as well as public developers to invest in the facilities"; to the Committee on Rules.

Motions

Delegates Burkhammer, Mallow, Chiarelli, Horst, Smith, Crouse, Butler, C. Pritt and Longanacre asked and obtained unanimous consent to be added as a cosponsor of H. B. 5694.

Delegate Kump asked and obtained unanimous consent to be added as a cosponsor of H. B. 4313.

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

Special Calendar

Third Reading

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 259**), 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: Ellington, Gearheart, Hornbuckle, McGeehan and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 602) passed.

An amendment sponsored by Delegate Ellington was adopted, amending the title of the bill to read as follows:

S. B. 602 - "A Bill to repeal §16-57-1, §16-57-2, §16-57-3, and §16-57-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-5-22e; all relating to cardiac response plans; repealing sudden cardiac arrest prevention act; creating cardiac response plans section for county boards of education; providing definitions; requiring schools to develop an emergency response plan and parameters therefore; requiring informational meetings regarding cardiac arrest; requiring a form be completed by students prior to participation in an athletic activity; requiring annual sudden cardiac arrest training for coaches; setting forth circumstances in which students are not allowed to participate in athletic activities; requiring evaluation by authorized physician, certified nurse practitioner or certified nurse specialist, or a physician assistant before returning to athletic activity; requiring school officials to work directly with local emergency service providers to integrate the plan into the community's EMS responder protocols and setting forth parameters therefore; allowing state board rulemaking; and allowing county boards to accept gifts, grants and donations."

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. 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 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. 260**), 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: Ellington, Gearheart, Hornbuckle, McGeehan and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4008) passed.

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

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

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. 4706, Creating the utility pole rights of way and easement mapping initiative; 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. 261**), and there were--yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, Gearheart, Hornbuckle and McGeehan.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4706) 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. 4880, Relating to personal income tax social security exemption; 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. 262**), and there were--yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, Gearheart, Hornbuckle and McGeehan.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4880) 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. 5020, Relating to deferred adjudication and pre-trial diversions for first offense DUI cases; 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. 263**), and there were--yeas 90, nays 6, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Brooks, Coop-Gonzalez, Dillon, Horst, Kimble and Thorne.

Absent and Not Voting: Ellington, Gearheart, Hornbuckle and McGeehan.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5020) 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. 5024, Relating to exempting non-grantor trusts administered in this state from the personal income 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. 264**), and there were--yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Dean, Ellington, Gearheart, Hornbuckle, McGeehan, Ross, Young and Zatezalo.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5024) 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. 5238, Mandating that all courts provide adjudication for juvenile offenders for traffic violations to the Division of Motor Vehicles; 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. 265**), and there were--yeas 89, nays 4, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Kirby, Nestor, Steele and Vance.

Absent and Not Voting: Ellington, Gearheart, Hornbuckle, McGeehan, Ross, Young and Zatezalo.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5238) 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. 5544, Relating to requiring certain reporting from the Mountaineer Trail Network Authority each year; 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. 266**), and there were--yeas 89, nays 5, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Bridges, Dean, Kirby, Steele and Vance.

Absent and Not Voting: Ellington, Gearheart, Hornbuckle, McGeehan, Ross and Zatezalo.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5544) passed.

Delegate Jeffries moved that the bill take effect March 1, 2024.

On this question, the yeas and nays were taken (**Roll No. 267**), and there were--yeas 89, nays 3, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Kirby, Steele and Vance.

Absent and Not Voting: Ellington, Gearheart, Hornbuckle, McGeehan, C. Pritt, Ross, Shamblin and Zatezalo.

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. 5544) takes effect March 1, 2024.

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. 172, Revising requirements of local school improvement councils; on second reading, coming up in regular order, was read a second time.

An amendment was recommended by the Committee on Education, and adopted on page 6, section 2, line 120 – 122 by striking out the first sentence and inserting in lieu the following:

“The state board shall ensure that training in the role and governance of local school improvement councils is provided to principals, county boards, and others the state board determines appropriate, upon employment and every three years thereafter.”

The bill was then ordered to third reading.

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

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

Delegates Hansen, Hamilton, Hornbuckle, Fluharty, Garcia, Griffith, Lewis, Pushkin, Rowe, Young and Williams moved to amend the bill on page 3, Section 1, lines 53 through 55, following the period on line 53, by striking out the last sentence of the definition on lines 53 through 55.

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. 268**), and there were-- yeas 16, nays 77, absent and not voting 7, with the yeas and the absent and not voting being as follows:

Yeas: Fast, Fluharty, Garcia, Griffith, Hamilton, Hansen, Kelly, Kirby, Kump, Lewis, Pinson, E. Pritt, Pushkin, Rowe, Williams and Young.

Absent and Not Voting: Cannon, Ellington, Gearheart, Hornbuckle, McGeehan, Ross and Westfall.

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

The bill was then 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 Jeffries, and by unanimous consent, the bill was postponed one day.

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 second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 5162, Establish a program to promote creation and expansion of registered apprenticeship programs; on second reading, coming up in regular order, was reported by the Clerk.

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

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

On motion of Delegate Foster, the bill was amended on page 5, line 109, by striking out the entirety of subsection (g) and replacing it with the following:

"(g) Exemption removed during the 2024 Regular Session of the West Virginia Legislature."

Delegates Fluharty, Hansen, Hamilton, Hansen, Hornbuckle, Garcia, Griffith, Lewis, Pushkin, Rowe, Young and Williams moved to amend the bill on page 1, Section 1, line 20, following the word "code" by striking out the period, inserting a colon and the following proviso:

"Provided, That the county board may not authorize instruction in the home if there is a pending child abuse or neglect investigation pursuant to §49-2-801 *et seq.* of this code, against either custodial parent or a person instructing the child, which was initiated by a school teacher or other school personnel within the child's school district pursuant to the mandatory reporting requirements of §49-2-803 of this code."

Unanimous consent was obtained for the bill to be advanced to third reading with amendment pending and the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

Com. Sub. for H. B. 5235, To double the criminal penalty for anyone found guilty of sexual assault on a minor; 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. 5395, Relating to judicial review of Board decisions; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Steele, the bill was amended on page 1, section 17, line 7, by striking the words "circuit court of Kanawha County" and inserting in lieu thereof the following:

"West Virginia Intermediate Court of Appeals"

The bill was then ordered to engrossment and third reading.

H. B. 5520, Relating to juvenile competency; 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. 5561, Relating to permitting the electronic execution of trusts; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third 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 second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

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

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

An amendment recommended by the Committee on Government Organization was reported by the Clerk.

Whereupon,

Delegate Phillips obtained unanimous consent that the amendment be withdrawn.

On motion of Delegate Phillips, the bill was amended on page 3, section 29-12-3, line 38, after the word "The", by striking out the words "vice chancellor of health sciences of the West Virginia Higher Education Policy Commission" and inserting in lieu thereof as follows: "Chancellor for Higher Education".

The bill was then ordered to engrossment and third reading.

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

H. B. 5647, Increasing and maintaining the bracketed tax rates on the privilege of establishing or operating a health maintenance organization; 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. 5662, Relating to adding "person in a position of trust" to certain crimes; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

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

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

On motion of Delegate Phillips, the bill was amended on page 1, line 1, by striking out everything after the enacting clause and inserting in lieu thereof as follows:

"ARTICLE 13. FIREARMS INDUSTRY NONDISCRIMINATION ACT.

§5A-13-1. Short Title.

This Act shall be known and may be cited as the Firearm Industry Nondiscrimination Act.

§5A-13-2. Definitions.

For purposes of the Firearm Industry Nondiscrimination Act:

(1) 'Ammunition' means a loaded cartridge or shot shell, case, primer, projectile, wadding, or propellant powder.

(2) 'Contract' means a promise or set of promises constituting an agreement between the parties that gives each a legal duty to the other and the right to seek a remedy for the breach of those duties: *Provided*, That the term does not include an agreement related to investment services.

(3) "Discriminate against a firearm entity or firearm trade association" means, with respect to the entity or association, to:

(A) Refuse to provide or engage in services with the entity or association based on its status as a firearm entity or firearm trade association, which includes the lawful products and services provided by, and the lawful practices of, firearm entities and firearm trade associations;

(B) Refrain from continuing an existing business relationship with the entity or association based on its status as a firearm entity or firearm trade association, which includes the lawful products and services provided by, and the lawful practices of, firearm entities and firearm trade associations; or

(C) Terminate an existing business relationship with the entity or association based on its status as a firearm entity or firearm trade association, which includes the lawful products and services provided by, and the lawful practices of, firearm entities and firearm trade associations;

(D) The term does not include the policies of a vendor, merchant, retail seller, or platform that restrict or prohibit the listing or selling of ammunition, firearms, or firearm accessories;

(E) The term also does not include a decision to refrain from continuing an existing business relationship, or decision to terminate an existing business relationship to comply with federal, state, or local laws, policies, or regulations or a directive by a regulatory agency, or for any traditional business reason that is specific to the customer or potential customer and not based on the status of an entity or association as a firearm entity or firearm trade association, which includes the lawful products and services provided by, and the lawful practices of, firearm entities and firearm trade associations.

(4) 'Financial institution' means a financial institution as defined in 31 U.S.C. § 5312: *Provided*, That for the purposes of this article, the term refers only to financial institutions that do business or have a contract with this state.

(5) 'Firearm' means any weapon which will expel a projectile by action of an explosion. For purposes of this article, the term 'firearm' includes antique firearms, as defined in §61-7-2 of this code.

(6) 'Firearm accessories or components' means:

(A) Any device specifically adapted to enable the wearing or carrying about one's person or the storage or mounting in or on any conveyance of a firearm and any attachment or device specifically adapted to be inserted into or affixed onto any firearm to enable, alter, or improve the functioning or capabilities of the firearm;

(B) Any item that is used in conjunction with or mounted upon a firearm, including but not limited to telescopic or laser sights, magazines, flash or sound suppressors, folding or aftermarket stocks and grips, speedloaders, braces, ammunition carriers, and lights for target illumination;

(C) Any component for making ammunition, reloading materials and equipment, machinery, and tools for manufacturing ammunition; and

(D) Detachable firearm magazines.

(7) 'Firearm entity' means:

(A) A firearm, firearm accessory, or ammunition manufacturer, distributor, wholesaler, supplier, or retailer; or

(B) A shooting range as defined in §61-6-23 of this code.

(8) 'Firearm trade association' means any person, corporation, unincorporated association, federation, business league, or business organization that:

(A) Is not organized or operated for profit and for which none of its net earnings inures to the benefit of any private shareholder or individual;

(B) Has two or more firearm entities as members; and

(C) Is exempt from federal income taxation under section 501(a) of the Internal Revenue Code of 1986, as an organization described by section 501(c) of such code.

(9) 'Governmental entity' means:

(A) Any state agency; or

(B) Any political subdivision of this state.

(10) 'Sole-source provider' means a supplier who provides services of a unique nature or services that are solely available through the supplier and the supplier is the only practicable source to provide the services.

(11) 'State agency' means any agency, board, or commission of this state other than the courts and the Legislature.

§5A-13-3. Application of act to certain contracts.

(a) The Firearm Industry Nondiscrimination Act shall apply to a contract that:

(1) Is between a governmental entity and a financial institution; and

(2) Is entered into on or after the effective date of this act.

(b) Except as provided in §5A-13-4 of this code, a governmental entity may not enter into a contract with any financial institution that discriminates against any firearm entity or firearm trade association.

(c) Any contract to which §5A-13-3(a) of this code applies that violates the requirements of this article shall be void as against public policy.

§5A-13-4. Exceptions.

The requirements of §5A-13-3 of this code do not apply if a governmental entity contracts with a sole-source provider.

§5A-13-5. Unlawful discrimination against a firearm entity or firearm trade association; exception.

(a) A financial institution that does business or has a contract with this state may not discriminate against a firearm entity or firearm trade association because the firearm entity or firearm trade association supports or is engaged in the lawful commerce of firearms, firearm accessories, or ammunition products.

(b) This section shall not apply to a financial institution that chooses not to provide services to a firearm entity or firearm trade association for a business or financial reason or due to a directive by the state banking commissioner or a bank supervisory agency as defined by §31A-8D-2(c) of this code. This section shall also not apply to a financial institution that has a written policy prohibiting the institution from discriminating against firearm entities or firearm trade associations as those terms are defined in §5A-13-2 of this code. For the purposes of this subsection, 'business

or financial reason' does not include a policy of refusing to provide financial services or otherwise discriminating when providing financial services to a firearm entity.

§5A-13-6. Remedies; attorney general notice; statute of limitations.

(a) A person who is injured by a violation of §5A-13-5 of this code may bring a civil action against the financial institution in his or her own name in the circuit court for the county where the alleged violation occurred. If the injured person prevails on his or her claim, then the court shall award the injured person reasonable attorney fees and costs. The court may further award the prevailing injured person any of the following:

(1) Actual and compensatory damages;

(2) Punitive or exemplary damages;

(3) Injunctive relief; and

(4) Any other appropriate civil relief.

(b) The Attorney General may file a civil action for a violation of §5A-3-5 of this code: *Provided*, That the authority granted to the Attorney General does not affect the right of a person who is injured by a violation of §5A-3-5 of this code to bring an action for a violation of the rights protected under this article. The Attorney General may request the court to do any of the following:

(1) Issue a declaratory judgment that an act or practice violates this article;

(2) Enjoin any act or practice that violates this article by issuing a temporary restraining order or preliminary or permanent injunction, without a bond, after providing appropriate notice; and

(c) The Attorney General shall submit the name of any financial institution that has violated this article to the Governor and request that the state terminate any business relationship with the financial institution.

(d) Any civil action brought pursuant to this section shall be commenced within not more than two years after the date that the violation is discovered or should reasonably have been discovered.

(e) The remedies and actions available or required under this section shall not be applicable if a financial institution has a written policy prohibiting the institution from discriminating against firearm entities as those terms are defined in §5A-13-2 of this code."

The bill was then ordered to engrossment and third reading.

First Reading

S. B. 600, Revising criteria for receiving reenlistment or retention bonus; on first reading, coming up in regular order, was read a first time and ordered to second reading.

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

Com. Sub. for H. B. 4999, Creating exception to spousal privilege; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 5093, Relating to revision of orders concerning distribution of marital property; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 5105, To eliminate the vaccine requirements for public virtual schools; 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 Jeffries, and by unanimous consent, the bill was postponed one day.

Com. Sub. for H. B. 5254, Relating generally to the creation of mental hygiene regions by the Supreme Court of Appeals; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 5530, Relating to requiring a hospital to disclose price and fee information for certain health care services; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 5539, Providing that causes of action under Chapter 46A of the Code of West Virginia survive the death of the party; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 5696, Relating to the upper Ohio Valley Trail Network; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Delegate Jeffries asked and obtained unanimous consent to return to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 5617, Authorizing the Public Service Commission to promulgate rules for maintenance, flushing, flow testing, and marking of fire hydrants owned by water utilities,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, and with the recommendation that second reference to the Committee on the Judiciary be dispensed with.

The Speaker referred the bill to the Committee on the Judiciary.

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. 21, Louie Patton Memorial Bridge,

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. 21) was referred to the Committee on Rules.

Leaves of Absence

At the request of Delegate Jeffries, and by unanimous consent, leaves of absence for the day were granted Delegates Ellington, Gearheart, Hornbuckle and McGeehan.

Miscellaneous Business

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

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

H. B. 4004: Delegates Hamilton, Hansen and Lewis;

H. B. 4549: Delegate Fehrenbacher;

H. B. 4882: Delegate Fehrenbacher;

H. B. 4909: Delegate Coop-Gonzalez;

And,

H. B. 5548: Delegate Fehrenbacher.

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

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

H. B. 4991: Delegate Young;

And,

H. B. 5667: Delegate W. Clark.

Delegate Gearheart noted to the Clerk that had he been present when the votes were taken on Com. Sub. for H. B. 4880 and Com. Sub. for H. B. 5024, he would have voted "Yea" thereon.

At 1:13 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, February 23, 2024.

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

SPECIAL CALENDAR

Friday, February 23, 2024

45th Day

11:00 A.M.

UNFINISHED BUSINESS

- H. C. R. 8 - Judy Brothers Memorial Bridge
- H. C. R. 66 - U.S. Army SP4 Lonnie "Bill" Walker Memorial Bridge
- H. C. R. 67 - Kenneth R. Lucas Memorial Bridge

THIRD READING

- S. B. 172 - Revising requirements of local school improvement councils
- S. B. 658 - Supplementing and amending appropriations to Department of Administration, Public Defender Services
- 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. 5031 - Relating to human trafficking
- 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
- Com. Sub. for H. B. 5180 - Removing requirements to submit certain evidence on behalf of home schooled children- [Right to Amend]
- Com. Sub. for H. B. 5235 - To double the criminal penalty for anyone found guilty of sexual assault on a minor
- Com. Sub. for H. B. 5395 - Relating to judicial review of Board decisions
- H. B. 5520 - Relating to juvenile competency
- Com. Sub. for H. B. 5561 - Relating to permitting the electronic execution of trusts.
- 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.
- H. B. 5582 - Modifying exceptions for real estate appraisal licensure.

- H. B. 5593 - Relating to the creation, composition, qualifications, and compensation of the State Board of Risk and Insurance Management
- Com. Sub. for H. B. 5621 - Prohibiting the termination of employment of an employee who defends themselves from an attack inside workplace
- H. B. 5647 - Increasing and maintaining the bracketed tax rates on the privilege of establishing or operating a health maintenance organization
- Com. Sub. for H. B. 5662 - Relating to adding “person in a position of trust” to certain crimes
- H. B. 5690 - Creating a West Virginia Task Force on Artificial Intelligence
- H. B. 5694 - Relating to the Firearms Industry Nondiscrimination Act

SECOND READING

- S. B. 600 - Revising criteria for receiving reenlistment or retention bonus
- Com. Sub. for 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.
- Com. Sub. for H. B. 4999 - Creating exception to spousal privilege
- 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. 5093 - Relating to revision of orders concerning distribution of marital property
- Com. Sub. for H. B. 5105 - To eliminate the vaccine requirements for public virtual schools.
- Com. Sub. for H. B. 5162 - Establish a program to promote creation and expansion of registered apprenticeship programs
- Com. Sub. for H. B. 5254 - Relating generally to the creation of mental hygiene regions by the Supreme Court of Appeals
- Com. Sub. for H. B. 5530 - Relating to requiring a hospital to disclose price and fee information for certain health care services
- Com. Sub. for H. B. 5539 - Providing that causes of action under Chapter 46A of the Code of West Virginia survive the death of the party

H. B. 5696 - Relating to the upper Ohio Valley Trail Network

FIRST READING

Com. Sub. for H. B. 4507 - Creating a tax credit for improving facades in historic districts

Com. Sub. for H. B. 4548 - Relating to authorizing application of the manufacturing investment tax credit and the manufacturing property tax adjustment credit against personal income tax

H. B. 4549 - Relating to consumers sales and service tax and use tax exemption for certain goods to be incorporated into a qualified, new or expanded warehouse or distribution facility

Rev. Com. Sub. for H. B. 4621 -Relating to the Division of Corrections and Rehabilitation posting booking photographs of an accused person

Com. Sub. for H. B. 4667 - Prohibiting syringe services programs from distributing listed smoking devices

H. B. 4744 - Requiring certain non-discretionary procedures be strictly complied with by the West Virginia Parkways Authority before tolls, rents, fees or charges may be increased

Com. Sub. for H. B. 4753 - Relating to providing health insurance coverage concerning biomarker testing

Com. Sub. for H. B. 4829 - Relating employment of service personnel and removing the requirement for a high school diploma or general education development certificate.

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

Com. Sub. for H. B. 4882 - Extending in-state tuition rates to all members and veterans of the National Guard, reserves, and armed forces as well as their spouses and dependents

Com. Sub. for H. B. 4952 - Relating to time frame of service of notice

Com. Sub. for H. B. 4963 - Prohibiting the use of deep fake technology to influence an election

H. B. 5025 - To repeal the additional one and one-half percent interest rate for underpayments and specify an effective date

Com. Sub. for H. B. 5062 - Relating to permit a guardian ad litem to request the assistance of a court appointed special advocate

H. B. 5130 - Relating to criminal trespass

Com. Sub. for H. B. 5134 - Deceased Disabled Veteran Real Property Exemption for

Widowed Spouses

- Com. Sub. for H. B. 5151 - Relating to defining term fictive kin
- Com. Sub. for H. B. 5178 - Requiring car dealerships in this state to utilize a search engine to determine if buyers of vehicles have valid motor vehicle insurance.
- H. B. 5245 - Supplementing, amending, and increasing existing items of appropriation from the State Road Fund to the Department of Transportation, Division of Highways
- Com. Sub. for H. B. 5355 - Allowing volunteer fire departments to use fire protection funding for certain purchases
- Com. Sub. for H. B. 5399 - To modify the state auditing practices of the volunteer and part-volunteer fire departments
- Com. Sub. for H. B. 5425 - Granting a waiver to fill certain professional educator positions of employments when no applicants have six or more years of experience
- H. B. 5430 - Relating to per diem compensation and expenses of newly elected or appointed judicial officers receiving education and training prior to taking the oath of office.
- Com. Sub. for H. B. 5435 - Establishing the registered apprenticeship to associate of applied science program to be administered by the Council for Community and Technical College Education
- Com. Sub. for H. B. 5516 - Relating to criminalizing the use of deep fakes
- H. B. 5548 - Relating to modifying requirements imposed on any owner, operator, or manager within a tourism development project
- H. B. 5565 - Relating to requiring the Division of Motor Vehicles to provide an identification card for eligible released inmates
- Com. Sub. for H. B. 5572 - Prohibiting cameras and recording devices in bedrooms and bathrooms of foster children
- H. B. 5613 - Relating to requiring the Governor to establish crisis preparedness plans
- H. B. 5697 - Relating to public charter schools code provisions

HOUSE CALENDAR

Friday, February 23, 2024

45th Day

11:00 A.M.

SECOND READING

- | | |
|----------------------------|---|
| Com. Sub. for S. B. 17 - | Authorizing Department of Health to promulgate legislative rules |
| S. B. 461 - | Relating to county economic opportunity development districts |
| H. B. 4795 - | Relating to permitting an academic medical center to operate an opioid treatment facility. |
| H. B. 4855 - | Require Division of Purchasing to write contracts in an unbiased manner |
| H. B. 4878 - | Updating the meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act |
| H. B. 4881 - | Relating to bringing terms not defined in that act into conformity with the meaning of those terms for federal income tax purposes |
| H. B. 4957 - | Relating generally to lobbying rules |
| Com. Sub. for H. B. 5021 - | Relating to cardiac response plans |
| H. B. 5038 - | Relating to research and economic development agreements for state institutions of higher education |
| H. B. 5050 - | Relating to authorizing legislative rules regarding higher education. |
| Com. Sub. for H. B. 5137 - | Relating to requiring the State Auditor to conduct audits of all county boards of education |
| H. B. 5263 - | Relating to the Consolidated Public Retirement Board and requiring participating public employers to remit retirement contributions and fees by electronic funds transfer |
| H. B. 5269 - | Relating to the Municipal Police Officers and Firefighters Retirement System |
| H. B. 5270 - | Relating to the Natural Resources Police Officers Retirement System |
| H. B. 5280 - | West Virginia Short Line Railroad Modernization Act |

- Com. Sub. for H. B. 5345 - Relating to the registration requirements in the Sex Offender Registration Act.
- Com. Sub. for H. B. 5354 - Relating to the Grant Transparency and Accountability Act
- Com. Sub. for H. B. 5606 - Relating generally to money laundering

FIRST READING

- H. B. 4429 - Relating to excluding test strips from the definition of drug paraphernalia
- H. B. 4700 - Banning certain persons from sport wagering activities
- H. B. 4777 - Allow staff members in public schools to eat lunch for free if there is food left over after every student has been fed
- Com. Sub. for H. B. 4909 - Relating to eliminating the certificate of need program for health services
- H. B. 5022 - Relating to increasing the amount of ephedrine, pseudoephedrine or phenylpropanolamine a person may purchase annually.
- Com. Sub. for H. B. 5067 - To remove the 2 year timeframe for medical malpractice suits to be filed ONLY for individuals who were minors when they had their procedures performed
- H. B. 5194 - Requiring purchases of certain commodities and services from state use program partners
- H. B. 5237 - Prohibiting driving slow in left lane except under certain circumstances
- Com. Sub. for H. B. 5441 - Relating to raising the threshold from \$25,000 to \$50,000 for the requirement of bids for municipal public works projects.
- Com. Sub. for H. B. 5536 - Relating to the assessment of interest on overpayments by the Bureau for Medical Services
- H. B. 5590 - Changing reference to the "Curator" of the Department of Arts, Culture, and History to the "Secretary" of the Department
- H. B. 5695 - Relating to Community Enhancement Districts

WEST VIRGINIA HOUSE OF DELEGATES

FRIDAY, FEBRUARY 23, 2024

HOUSE CONVENES AT 11:00 A.M.

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

**COMMITTEE ON FINANCE
9:00 A.M. – FINANCE COMMITTEE ROOM**

**COMMITTEE ON GOVERNMENT ORGANIZATION
9:00 A.M. – EAST WING COMMITTEE ROOM**

**COMMITTEE ON THE JUDICIARY
9:30 A.M. – JUDICIARY COMMITTEE ROOM**

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