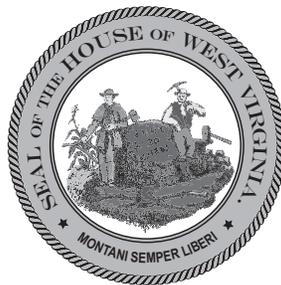


West Virginia Legislature

JOURNAL  
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February 23, 2024  
FORTY-FIFTH DAY



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Friday, February 23, 2024

**FORTY-FIFTH DAY**

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

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

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

The Clerk proceeded to read the Journal of Thursday, February 22, 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 Kimble announced that Com. Sub. for H. B. 4864 and Com. Sub. for H. B. 5345, on First Reading, Special Calendar, had been transferred to the House Calendar; H. B. 4855, on Second Reading, House Calendar, had been transferred to the Special Calendar; and H. B. 4700 and H. B. 5237, on First Reading, House Calendar had been transferred to the Special Calendar.

**Committee Reports**

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

Your Committee on Education has had under consideration:

**H. C. R. 77**, To study on the cost of an alternative school in each county, that doesn't have an alternative school,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. C. R. 77** - "To request that the Joint Committee on Government and Finance study the costs associated with establishing an alternative education program at elementary, middle, and high school levels in each county that does not yet provide that option,"

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. 77) 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. 5583**, Relating of movement of oversized vehicles on roadways,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5583** - "A Bill to amend and reenact §17C-17-11 of the Code of West Virginia, 1931, as amended, relating to the Commissioner of the Division of Highways to issue a special permit, issued pursuant to this section, with the specifics of the permit to be determined by the Commissioner of the Division of Highways, authorizing and allowing a vehicle to travel with a nondivisible load exceeding the maximum specified in this chapter, or otherwise not in conformity with the provisions of this chapter hauling loads to travel during night, holidays, holiday weekends, Saturdays, and Sundays,"

With the recommendation that the committee substitute 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. 5213**, To allow Gold Star spouses to receive one free Gold Star vehicle registration for personal use,

And,

**H. B. 5437**, Relating to time limits imposed on the Division of Highways to grant a highway entrance permit,

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

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 4010**, Relating to providing notification of utility service disruption to its' customers,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4010** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-22, relating to providing notification of utility service disruption to its' customers; requiring utilities to have an outage communication plan; and authorizing the Public Service Commission to receive each utility's notification plan,"

And,

**H. B. 4258**, To require railroad companies to provide alternative entry and exit ways,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4258** - "A Bill to amend and reenact §17-4-8 and §31-2A-2 of the Code of West Virginia, 1931, as amended, relating to use of state road for rail crossing; requiring cooperation between the rail company and the Division of Highways when construction or maintenance activities are conducted by the company; and requiring railroad companies to provide alternative entry and exit ways in certain circumstances,"

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. 5594**, Exempting West Virginia University and Marshall University from contracts, agreements, or memorandums of understanding with spending units in state government with exceptions,

And reports the same back with the recommendation that it 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. 4709**, Relating to vocational and technical education programs,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4709** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-21A-1, §18-21A-2 and §18-21A-3, all relating to establishing a four-year pilot program to provide participating middle schools with an elective course to better prepare fifth through eighth grade students to take advantage of West Virginia's career and technical education programs and to improve students' college and career readiness prior to high school; requiring the state board of education to promulgate a legislative rule, and, if necessary, an emergency rule, to implement the provisions of the pilot program; setting forth what is to be included within the provisions of the rule; and requiring by July 1, 2025, and annually thereafter for the duration of the pilot program, a report from the State Superintendent of Schools to the Legislative Oversight Commission on Education Accountability,"

**H. B. 5289**, To allow for the implementation of Plasma Games in West Virginia public schools,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5289** - "A Bill to amend said code by adding thereto a new article, designated §21A-12-1, relating to establishing a partnership between Workforce West Virginia through its Division of Workforce Development and the West Virginia State Board of Education for the implementation of an educational, interactive platform designed to help students with instruction in the science technology engineering and math (STEM) field with a focus on chemistry and related careers to high schools and technical schools in the state; providing funding; and establishing an implementation plan and reporting,"

**H. B. 5405**, Providing additional professional development and support to West Virginia educators through teacher and leader induction and professional growth,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5405** - "A Bill to amend and reenact §18-9A-10 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-3C-3 of said code, all relating to increasing support and professional development for educators; including numbers of full-time equivalent teachers less than fully certified for teaching an academic core subject for which they are employed; utilizing state aid funding formula allocations to support teacher and leader induction and professional growth; authorizing retention of additional funding beginning with the 2024 – 2025 school year by Department of Education for continued support and expansion of the regional professional cadres program; and adding additional requirements to county boards of education plan for comprehensive system of support for improving professional practice,"

**H. B. 5514**, Enhancing training requirements for county boards of education members,

And reports back a committee substitute therefor, as follows:

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

**H. B. 5595**, Relating to shortened procedure for road condition claims,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5595** - "A Bill to amend and reenact §14-2-17a of the Code of West Virginia, as amended, all relating to the shortened procedure for road condition claims; establishing process by which the Clerk of the Claims Commission, the Claims Commission, and the Division of Highways expedite certain road condition claims; and requiring the Division of Highways create a line item in the budget to expediate payment for certain road condition claims,"

And,

**H. B. 5604**, Relating to procurement by state spending units,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5604** - "A Bill to amend and reenact §5A-3-10 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section designated §5A-3-10f, and to amend and reenact §5A-6-2 of said code, and to amend said code by adding thereto a new section, designated §5A-6-4f, all relating generally to procurement by state spending units,"

With the recommendation that the committee substitutes each do pass.

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

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

**H. B. 4956**, Creating the Oral Health and Cancer Rights Act,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4956** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-8b; 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 §33-15-24; to amend said code by adding thereto a new section, designated §33-16-20; to amend said code by adding thereto a new section, designated §33-24-15; and to amend said code by adding thereto a new section designated §33-25-23 and to amend said code by adding thereto a new section designated §33-25A-37, all relating to requiring health benefit plan coverage; requiring coverage for medically necessary dental procedures that result from cancer treatment; and explaining scope of procedures covered as a result of certain cancer treatments,"

**H. B. 5340**, Relating to requiring insurance coverage for a nonopioid drug for the treatment of pain for patients with substance use disorder,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5340** - "A Bill to amend and reenact §16-54-1 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated, §16-54-10, all relating to require insurance coverage of a nonopioid drug for a person diagnosed with substance use disorder,"

And,

**H. B. 5349**, West Virginia Truth in Food Labeling Act,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5349** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-39-1, §19-39-2, and §19-39-3, all relating establishing requirements of food labels; defining terms; determining what constitutes mislabeling; providing exceptions; and permitting the commissioner to promulgate legislative rules,"

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. 4313**, Creating the Parents' Bill of Rights,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4313** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-12-1, §49-12-2, §49-12-3, §49-12-4, and §49-12-5 all relating to the Parents' Bill of Rights; creating a short title; providing legislative findings; creating definitions; creating a standard of review; clarifying parental rights; creating a right of action; creating a defense; and providing applicability,"

**H. B. 4784**, Establish setback from residential properties for new windmills being constructed throughout the state,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4784** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-11e, all relating to establishing requirements for the commission to approve a siting certificate; defining terms; mandating a minimum setback for the siting of a wind turbine from a property line, residence, paved public road or overhead transmission line of 115kV capacity or greater; and providing methodology for calculation,"

And,\*

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

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5241** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-33, relating to requiring the Insurance Commissioner to audit claims under the Public Employees Insurance Act related to post-traumatic stress disorder claims for first responders; and requiring annual reviews and reports to the Interim Joint Health Committee, Interim Committee on PEIA and Insurance, and the Interim Committee on Volunteer Fire Departments and Emergency Medical Services,"

With the recommendation that the committee substitutes each do pass.

\*Note: There were other bills listed on this report which are on another report in the evening session.

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. 4734**, To provide a pay increase to state correctional workers in West Virginia,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4734** - "A Bill amend and reenact §5-5-4b of the Code of West Virginia, 1931, as amended, relating to providing a pay equity salary adjustment and increase to certain employees of the Division of Corrections and Rehabilitation,"

**H. B. 4812**, Capping amount of moneys to third party vendors who collect business and occupation taxes on behalf of cities,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4812** - "A Bill to amend and reenact §8-13-5 of the Code of West Virginia, 1931, as amended, relating to business and occupation or privilege tax imposed by municipalities; and setting a limit on the amount of fees that may be collected by third party vendors or contractors who collect business and occupation taxes on behalf of a municipality,"

**H. B. 4883**, Relating to increasing annual salaries of certain employees of the state,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4883** - "A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §18A-4-2 of said code; and to amend and reenact §18A-4-8a of said code, all relating to increasing annual salaries of certain employees of the state; increasing the salaries of members of the West Virginia State Police and certain personnel thereof; increasing annual salaries of public school teachers; increasing annual salaries of school service personnel; and providing an effective date for these increases,"

And,

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

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5188** - "A Bill to amend §8-22A-17 of the Code of West Virginia, 1931, as amended, relating to providing certain partial disability benefits for members in the WV Municipal Police Officers and Firefighters Retirement System,"

With the recommendation that the committee substitutes each do pass.

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. 21**, Louie Patton Memorial Bridge,

And reports the same back with the recommendation that it be adopted.

### **Messages from the Executive**

#### **And Other Communications**

The Clerk announced that S. B. 605, S. B. 606, S. B. 607 and S. B. 790 were presented to the Governor on February 22, 2024; and H. B. 4594, H. B. 4976, H. B. 5019, Com. Sub. for H. B. 5045, H. B. 5153 and Com. Sub. for H. B. 5157 were presented to the Governor on February 23, 2024.

A communication from His Excellency, the Governor, advised that on February 22, 2024, he approved S. B. 547.

### Messages from the Senate

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

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

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. 631** - "A Bill to amend and reenact §16-13-16 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-13A-9 of said code; and to amend and reenact §24-3-10 of said code, all relating to prohibiting utilities from shutting off a certain user's water service for nonpayment of stormwater fees in certain circumstances; prohibiting municipal utilities from discontinuing water service to certain users delinquent in stormwater services fees and charges but allowing lien on premises served in certain circumstances; prohibiting public service districts from discontinuing water service to certain users delinquent in stormwater service fees and charges but imposing lien on premises served in certain circumstances; and prohibiting privately or publicly owned utility from discontinuing water service, or contracting with other utilities to discontinue water service, for delinquency in stormwater services fees and charges in certain circumstances but allowing lien on premises served."

At the respective requests of Delegate Kimble, and by unanimous consent, reference of the bill (Com. Sub. for S. B. 631) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

**Com. Sub. for S. B. 675** - "A Bill to amend and reenact §7-18-13a of the Code of West Virginia, 1931, as amended, relating to accreditation of convention and visitors bureaus; providing time extension for certain bureaus to become accredited and still be eligible for distribution of hotel occupancy tax proceeds; and requiring all bureaus to obtain and maintain accreditation as requirement to receive distribution of net proceeds after certain date"; which was referred to the Committee on Economic Development and Tourism then 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. 681** - "A Bill to amend and reenact §15-1B-21 of the Code of West Virginia, 1931, as amended, relating to the service obligation for tuition and fees for a doctor of medicine or doctor of osteopathic medicine degree program"; 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. 730** - "A Bill to amend and reenact §11A-1-17 of the Code of West Virginia, 1931, as amended, relating to sheriff's commission for collection of taxes"; 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. 754** - "A Bill to amend and reenact §17D-2A-6a of the Code of West Virginia, 1931, as amended, relating to allowing 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."

At the respective requests of Delegate Kimble, and by unanimous consent, reference of the bill (Com. Sub. for S. B. 754) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

**S. B. 763** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-1B-28, relating to exempting certain records from public release"; 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. 768** - "A Bill to amend and reenact §49-6-110 of the Code of West Virginia, 1931, as amended, relating to the confidentiality of child welfare records; and providing exception for sharing confidential information with law-enforcement agencies and the National Center for Missing and Exploited Children"; 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

**Com. Sub. for S. B. 773** - "A Bill to amend and reenact §20-7-1b of the Code of West Virginia, 1931, as amended, relating to requiring the Director of the Division Natural Resources to enter into written agreements with federal agencies in the state with law-enforcement duties on and in federal lands located within the boundaries of West Virginia to enforce state laws therein; establishing the position of special natural resources police officers; establishing authority and limitations thereon of special natural resources police officers; and setting forth necessary qualifications of the special natural resources police officers"; 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. 802** - "A Bill to amend and reenact §46A-6A-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §47-11F-8 of said code, all relating to Consumer Protection-New Motor Vehicle Warranties and the Farm Equipment Dealer Contract Act; including in the definition of "motor vehicle" a self-propelled vehicle designed primarily for, and used in, the occupation or business of farming, with a horsepower unit of 20 or greater; and the right to bring an action for breach of warranty involving a self-propelled vehicle designed primarily for, and used in, farming"; which was referred to the Committee on Technology and Infrastructure.

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. 834** - "A Bill to amend and reenact §17A-6-18a of the Code of West Virginia, 1931, as amended, relating to adding a member to the Motor Vehicle Advisory Board and specifying that one of the members shall be a representative of automobile auctions of primarily salvage vehicles"; 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 July 1, 2024, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 838** - "A Bill to amend and reenact §17A-4A-2a of the Code of West Virginia, as amended, relating to mandating lending institutions that conduct five or more transactions annually to utilize the Division of Motor Vehicles electronic lien system to perfect or release security interest in a vehicle"; which was referred to the Committee on Government Organization.

### **Resolutions Introduced**

A resolution was introduced and referred as follows:

**By Delegates Fehrenbacher, Howell, Dittman, DeVault, E. Pritt, Ferrell, Nestor, Green, Campbell, Williams and Street:**

**H. C. R. 89** --"Requesting the Joint Committee on Government and Finance study the non-motorized trail networks that exist or could be developed within West Virginia"; to the Committee on Rules.

### **Special Calendar**

### **Unfinished Business**

**H. C. R. 8**, Judy Brothers Memorial Bridge; coming up in regular order, as unfinished business, was reported by the Clerk, and adopted.

**H. C. R. 66**, U.S. Army SP4 Lonnie "Bill" Walker Memorial Bridge; coming up in regular order, as unfinished business, was reported by the Clerk, and adopted.

**H. C. R. 67**, Kenneth R. Lucas Memorial Bridge; coming up in regular order, as unfinished business, was reported by the Clerk.

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

### Third Reading

**S. B. 172**, Revising requirements of local school improvement councils; 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. 269**), and there were--yeas 93, nays 4, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Hamilton, Hansen, Pushkin and Young.

Absent and Not Voting: Anderson, Fluharty and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 172) passed.

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

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 270**), 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: Anderson, Fluharty and Ross.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 658) passed.

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

On this question, the yeas and nays were taken (**Roll No. 271**), 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: Anderson and Ross.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 658) takes effect from its passage.

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

**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 third reading, coming up in regular order, was read a third time.

Delegates Campbell, Ferrell, Hornby, Steele, Willis and Winzenreid requested to be excused from voting under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 272**), and there were--yeas 61, nays 35, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Brooks, Campbell, Cooper, Criss, Dean, Dittman, Fehrenbacher, Fluharty, Garcia, Griffith, Hamilton, Hansen, Hardy, Heckert, Hornbuckle, Hornby, Hott, Kimble, Lewis, Pinson, C. Pritt, Pushkin, Riley, Rowe, Shamblin, Smith, Steele, Vance, Ward, Westfall, Williams, Willis, Winzenreid, Worrell and Young.

Absent and Not Voting: Anderson, Bridges, Ross and Summers.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4191) 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. 5031**, Relating to human trafficking; on third reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Kimble, 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 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. 273**), 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: Anderson, Bridges, Fehrenbacher, Heckert and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5043) 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. 5180**, Removing requirements to submit certain evidence on behalf of home schooled children; on third reading, coming up in regular order, with amendment pending and the right to amend, was reported by the Clerk.

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

**Com. Sub. for H. B. 5235**, To double the criminal penalty for anyone found guilty of sexual assault on a minor; 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. 274**), 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: Anderson and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5235) 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. 5395**, Relating to judicial review of Board decisions; 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. 275**), 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: Anderson, Kirby and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5395) 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. 5520**, Relating to juvenile competency; 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. 276**), and there were--yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Lewis.

Absent and Not Voting: Anderson, Cooper, Hornby and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5520) 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. 5561**, Relating to permitting the electronic execution of trusts. ; 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. 277**), and there were--yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Anderson, W. Clark, Cooper, Foggin, Hornby, Linville and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5561) 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. 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 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. 278**), and there were--yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Anderson, Cooper, Foggin, Hornby, Ross and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5569) 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. 5582**, Modifying exceptions for real estate appraisal licensure; 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. 279**), 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: Anderson, Cooper, Riley and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5582) 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. 5593**, Relating to the creation, composition, qualifications, and compensation of the State Board of Risk and Insurance Management; on third reading, coming up in regular order, was read a third time.

Delegate Green requested to be excused from voting under the provisions of House Rule 49.

The Speaker ruled that the Delegate was a member of a class of persons possibly to be affected and did not excuse the Member from voting.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 280**), and there were--yeas 92, nays 1, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Butler.

Absent and Not Voting: Anderson, Burkhammer, Cooper, Ferrell, Riley, Ross and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5593) 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. 5621**, Prohibiting the termination of employment of an employee who defends themselves from an attack inside workplace; 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. 281**), and there were--yeas 91, nays 5, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Coop-Gonzalez, Dillon, Hite, Hornby and Steele.

Absent and Not Voting: Anderson, Cooper, Riley and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5621) passed.

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

**Com. Sub. for H. B. 5621** - "A Bill to amend and reenact §55-7-22 of the Code of West Virginia, 1931, as amended, relating to employment protections for employees who are physically attacked, or in reasonable apprehension of being physically attacked, by another person, who is not an employee co-worker, at their place of employment and who uses reasonable and proportionate force to defend themselves or others shall not be subject to adverse actions by their employer, including, but not limited to, termination of their employment solely for the act of such use of reasonable and proportionate force; relating to permissive use of deadly force against an attacker in their place of employment, without a duty to retreat, if the person reasonably believes that he or she or another is in imminent danger of death or serious bodily harm from which he or she or another can only be saved by the use of deadly force against the intruder or attacker."

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

**H. B. 5647**, Increasing and maintaining the bracketed tax rates on the privilege of establishing or operating a health maintenance organization; 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. 282**), and there were--yeas 93, nays 2, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Coop-Gonzalez and Dillon.

Absent and Not Voting: Anderson, Cooper, Linville, Riley and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5647) 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. 5662**, Relating to adding “person in a position of trust” to certain crimes; 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. 283**), 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: Anderson, Riley and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5662) passed.

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

**Com. Sub. for H. B. 5662** - “A Bill to amend and reenact §61-8D-2, §61-8D-2a, §61-8D-3, §61-8D-3a, §61-8D-4, and §61-8D-4a of the Code of West Virginia, 1931, as amended, all relating to murder of a child by refusal or failure to supply necessities, or by delivery, administration or ingestion of a controlled substance; death of a child by a parent, guardian, or custodian or other person by child abuse; child abuse resulting in injury; child abuse resulting in risk of injury; female genital mutilation; child neglect resulting in injury; child neglect creating risk of injury; child neglect resulting in death.”

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

**H. B. 5690**, Creating a West Virginia Task Force on Artificial Intelligence; 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. 284**), and there were--yeas 95, nays 2, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Burkhammer and Ridenour.

Absent and Not Voting: Anderson, Riley and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5690) 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. 5694**, Relating to the Firearms Industry Nondiscrimination 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. 285**), and there were--yeas 96, nays 1, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Rowe.

Absent and Not Voting: Anderson, Riley and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5694) passed.

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

**H. B. 5694** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5A-13-1, §5A-13-2, §5A-13-3, §5A-13-4, §5A-13-5, and §5A-13-6, all relating to the Firearms Industry Nondiscrimination Act; establishing the short title; defining terms; establishing application of act to certain government contracts; prohibiting governmental entities from entering into contracts with any financial institution that discriminates against any firearm entity or firearm trade association; providing that any such prohibited contracts are void; providing an exception for sole-source providers; prohibiting financial institutions who do business or contract with this state from discriminating against a firearm entity or firearm trade association; specifying the applicability of the prohibition; providing a private right of action; stating available remedies in private rights of action; providing for enforcement by the Attorney General; providing that an enforcement action by the Attorney General does not prohibit a private civil action; specifying available remedies in actions brought by the Attorney General; requiring the Attorney General to submit names of financial institutions who violate this law to the Governor and to request that the state terminate any business relationship with those financial institutions; providing a statute of limitations for actions; and providing a safe harbor for financial institutions."

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

**H. B. 4855**, Require Division of Purchasing to write contracts in an unbiased manner; on second reading, coming up in regular order, was read a second time.

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

**Com. Sub. for H. B. 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 second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 4999**, Creating exception to spousal privilege; 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 read a second time.

Delegate Nestor moved to amend the bill on page 1, by striking out everything after the enacting clause and inserting in lieu thereof the following:

*Be it enacted by the Legislature of West Virginia:*

#### **ARTICLE 5. SERIOUS TRAFFIC OFFENSES.**

##### **§17C-5-7. Refusal to submit to tests; revocation of license or privilege; consent not withdrawn if person arrested is incapable of refusal; hearing.**

(a) If any person under arrest, as specified in §17C-5-4 of this code, refuses to submit to a secondary chemical test, the test shall not be given.

(b) Upon requesting that a person submit to the secondary test, designated pursuant to §17C-5-4 of this code, the person shall be given the written and verbal warnings set forth in §17C-5-4(e) of this code. After the person under arrest is given the required written and verbal warnings, the person shall have the opportunity to submit to, or refuse to submit to, the secondary test. A refusal to submit to the secondary test is considered final after 15 minutes have passed since the refusal: *Provided*, That during the 15 minutes following the refusal, the arresting officers shall permit the person under arrest to revoke his or her refusal and shall provide the person with the opportunity to submit to the test upon request. After the 15 minutes have passed following a refusal to submit to the secondary test, the arresting officer has no further duty to provide the person with an opportunity to take the secondary test.

(c) The officer shall, within 48 hours of the refusal, sign and submit to the Commissioner of the Division of Motor Vehicles and the court having jurisdiction over the charge filed against the person pursuant to §17C-5-2 of this code, a written statement that: (1) ~~He or she had probable cause to believe the person had been driving a motor vehicle in this state while under the influence of alcohol, controlled substances, or drugs;~~ (2) ~~the person was lawfully placed under arrest for an offense relating to driving a motor vehicle in this state while under the influence of alcohol, controlled substances, or drugs;~~ (3) a person under arrest or in custody for a violation of §17C-5-2 of this code refused to submit to the secondary chemical test designated in the manner provided in §17C-5-4 of this code; and (4) (2) the person was given the verbal warnings and the written statement required by subsection (b) of this section and §17C-5-4 of this code. An officer, by signing the statement required by this subsection, makes an oath or affirmation that the information contained in the statement is true and that any copy of the statement that he or she files is a true copy. The form for the written statement required by this section shall contain, upon its face, a warning to the officer signing that to willfully sign a statement containing false information is false swearing and is a misdemeanor.

(d) Any person who is unconscious or who is otherwise in a condition rendering him or her incapable of refusal shall be considered not to have withdrawn his or her consent for a test of his or her blood or breath as provided in §17C-5-4 of this code and the test may be administered

although the person is not informed that his or her failure to submit to the test will result in the revocation of his or her license to operate a motor vehicle in this state for the period provided for in this section.

(e) The amendments made to this section during the ~~2020~~ 2024 regular session of the Legislature shall become effective on July 1, ~~2020~~ 2024.

**§17C-5-7a. Suspension of license to operate a motor vehicle for refusal of secondary test; refusal review hearing.**

(a) For the purposes of this section, the term "refusal review hearing" refers to a hearing to review a person's alleged refusal to submit to a secondary chemical test, as documented in a statement submitted to the court by a law-enforcement officer pursuant to §17C-5-7 of this code.

(b) Effective July 1, ~~2020~~ 2024, the court shall enter an order finding that a person charged with a violation of §17C-5-2 of this code did refuse to submit to a secondary chemical test, as required by §17C-5-4 of this code, subject to the following:

~~(1) At the person's first pre-trial conference or initial preliminary hearing the Court shall conduct a refusal review hearing. ~~appearance before the court, the court shall advise the person that his or her license to operate a motor vehicle shall be revoked for the applicable period provided in subsection (e) of this section, unless the person requests a refusal review hearing within the 30 days following the first appearance;~~~~

~~(2) If the person does not request a refusal review hearing within 30 days following the first appearance the court shall enter an order finding that a person charged with a violation of §17C-5-2 of this code did refuse to submit to a secondary chemical test; and~~

~~(3) If the person requests a refusal review hearing within 30 days following the first appearance, the court shall conduct the review and enter the appropriate order, as provided in subsection (c) of this section.~~

(c) *Refusal review hearing.* —

~~(1) The court shall schedule and conduct a refusal review hearing if the person, named in a statement submitted to the court by a law enforcement officer pursuant to §17C-5-7, requests the hearing within 30 days following his or her first appearance before the court. During the refusal review hearing, the court shall review the statement documenting the person's refusal to submit to the secondary chemical test, along with any testimony or evidence presented by the person or law enforcement officer during the hearing.~~

~~(2) Based on the hearing, the court shall enter an order finding that the person did refuse to submit to a secondary chemical test, if the court determines, by a preponderance of the evidence, that:~~

~~(A) The arresting law-enforcement officer had reasonable grounds to believe the arrested person had committed a violation of §17C-5-2 of this code;~~

~~(B) The law-enforcement officer requested the arrested person to submit to the chemical test or tests designated pursuant to §17C-5-4 of this code;~~

(C) At the time the test was requested, the law-enforcement officer administered the required written and verbal warnings required by §17C-5-4 and §17C-5-7 of this code; and

(D) The arrested person refused to submit to the chemical test or tests requested by the law-enforcement officer.

~~(3)~~ (2) If the court determines, by a preponderance of the evidence, that one or more of the required conditions listed in subdivision ~~(2)~~ (1) of this subsection did not occur, the court shall enter an order finding that the person did not refuse to submit to the secondary chemical test. If the court enters such an order, the Commissioner of the Division of Motor Vehicles may not revoke the person's license to operate a motor vehicle based on the alleged refusal to submit to a secondary chemical test.

(d) The clerk of the court in which the charges are pending shall immediately transmit any order entered pursuant to this section to the Commissioner of the Division of Motor Vehicles.

(e) Upon receipt of an order provided pursuant to this section finding that a person did refuse to submit to a secondary chemical test, The Commissioner of the Division of Motor Vehicles shall revoke the person's license to operate a motor vehicle as follows:

(1) For the first refusal to submit to the designated secondary chemical test, the commissioner shall enter an order revoking the person's license to operate a motor vehicle in this state for a period of one year or for a period of 45 days, with an additional one year of participation in the Motor Vehicle Alcohol and Drug Test and Lock Program in accordance with the provisions of §17C-5A-3a of this code.

(2) If the person's license to operate a motor vehicle has previously been revoked under the provisions of this section, the commissioner shall, for the refusal to submit to the designated secondary chemical test, enter an order revoking the person's license to operate a motor vehicle in this state for a period of 10 years: *Provided*, That the license may be reissued in five years in accordance with the provisions of §17C-5A-3 of this code.

(3) If the person's license to operate a motor vehicle has previously been revoked more than once under the provisions of this section, the commissioner shall, for the refusal to submit to the designated secondary chemical test, enter an order revoking the person's license to operate a motor vehicle in this state for a period of life.

(f) A copy of each order entered pursuant to this section shall be forwarded to the person by registered or certified mail, return receipt requested, and shall contain the reasons for any revocation and shall specify the revocation period imposed pursuant to this section.

(g) A revocation ordered pursuant to this section shall run concurrently with the period of any suspension or revocation imposed in accordance with §17C-5A-2 of this code."

Delegate Linville moved to mend the amendment on page 5, section 7a, beginning after line 65, by inserting the following:

"(h) The courts of competent jurisdiction shall semi-annually report to the Division of Motor Vehicles the aggregate number of implied consent refusal hearings held, the number of implied consent refusals alleged by police officers, and the dispositions thereof. Additionally, in the event that a lack of enforcement of the implied consent law results in the diminishment of federal funding

from the National Highway Traffic Safety Administration, the Federal Highway Administration, the Federal Motor Carrier Safety Administration or any other source, the Department of Transportation and Division of Highways shall cause the apportionment of resources devoted to the jurisdiction of the courts so responsible to be diminished commensurately”

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

The yeas and nays having been ordered, they were taken (**Roll No. 286**), and there were-- yeas 38, nays 55, absent and not voting 7, with the yeas and the absent and not voting being as follows:

Yeas: Adkins, Barnhart, Bridges, Brooks, Butler, Cannon, W. Clark, Cooper, Coop-Gonzalez, Dean, DeVault, Dillon, Fast, Ferrell, Foster, Green, Howell, Kirby, Kump, Linville, Longanacre, Lucas, Mallow, Mazzocchi, Miller, Moore, Nestor, Petitto, Phillips, Ridenour, Rohrbach, Sheedy, Summers, Toney, Vance, Warner, Winzenreid and Hanshaw (Mr. Speaker).

Absent and Not Voting: Anderson, Chiarelli, McGeehan, C. Pritt, Riley, Ross and Ward.

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

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

The yeas and nays having been ordered, they were taken (**Roll No. 287**), and there were-- yeas 75, nays 18, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Akers, Burkhammer, Cannon, Criss, Espinosa, Ferrell, Foster, Gearheart, Hardy, Heckert, Holstein, Hornby, Linville, Lucas, Petitto, Pinson, Statler and Worrell.

Absent and Not Voting: Anderson, Chiarelli, Crouse, McGeehan, Riley, Ross and Ward.

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

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 5093**, Relating to revision of orders concerning distribution of marital property; 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. 5105**, To eliminate the vaccine requirements for public virtual schools; on second reading, coming up in regular order, was read a second time.

An amendment sponsored by Delegate Hornby, was reported by the Clerk.

And,

A competing amendment sponsored by Delegate Pushkin, was subsequently reported by the Clerk on page 3, section 4, lines 54 and 55, by striking out the words "West Virginia Secondary

School Athletics Commission sponsored athletics" and inserting in lieu thereof the word "public school extracurricular and co-curricular activities";

and,

On page 3, section 4, lines 57 and 58, by striking out the words " West Virginia Secondary School Athletics Commission sponsored athletics" and inserting in lieu thereof the word "public school extracurricular and co-curricular activities".

Whereupon,

Delegate Hornby obtained unanimous consent that the amendment he offered be withdrawn.

The question of adoption of the amendment by Delegate Pushkin was put.

Subsequently, the yeas and nays were demanded, which demand was sustained, and the Speaker permitted a roll call vote.

The yeas and nays having been ordered, they were taken (**Roll No. 288**), and there were-- yeas 32, nays 63, absent and not voting 5, with the yeas and the absent and not voting being as follows:

Yeas: Ellington, Fehrenbacher, Ferrell, Fluharty, Garcia, Griffith, Hamilton, Hansen, Hardy, Hornbuckle, Hornby, Howell, Lewis, Pushkin, Riley, Rowe, Shamblin, Sheedy, Smith, Statler, Stephens, Summers, Toney, Tully, Warner, Westfall, Williams, Willis, Winzenreid, Young, Zatezalo and Hanshaw (Mr. Speaker).

Absent and Not Voting: Anderson, Chiarelli, Criss, McGeehan and Ross.

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

Delegate Kirby moved to amend the bill on page 3, section 4, after line 58, by inserting the following language:

"(I) Notwithstanding any other provisions in this code, no provision of this section shall apply to any child whose parents or guardians present a letter stating that a child cannot be vaccinated for religious reasons and an exemption from the requirements of this section shall be granted."

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. 289**), and there were-- yeas 58, nays 37, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Cannon, T. Clark, Criss, Dittman, Ellington, Fehrenbacher, Ferrell, Fluharty, Garcia, Griffith, Hall, Hamilton, Hansen, Hardy, Hornbuckle, Hornby, Hott, Howell, Kelly, Marple, Miller, E. Pritt, Pushkin, Riley, Rohrbach, Rowe, Shamblin, Smith, Statler, Tully, Westfall, Williams, Willis, Winzenreid, Young, Zatezalo and Hanshaw (Mr. Speaker).

Absent and Not Voting: Anderson, Holstein, Lucas, McGeehan and Ross.

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

Delegate Pushkin moved to amend the bill on page 1, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**"ARTICLE 3. PREVENTION AND CONTROL OF COMMUNICABLE AND OTHER INFECTIOUS DISEASES.**

**§16-3-4. Compulsory immunization of school children; information disseminated; offenses; penalties.**

(a) Whenever a resident birth occurs, the commissioner shall promptly provide parents of the newborn child with information on immunizations mandated by this state or required for admission to a public, private and parochial school in this state or a state-regulated child care center.

(b) Except as hereinafter provided, a child entering school or a state-regulated child care center in this state must be immunized against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus and whooping cough.

(c) No child or person may be admitted or received in any of the schools of the state or a state-regulated child care center until he or she has been immunized against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio,, rubella, tetanus and whooping cough or produces a certificate from the commissioner granting the child or person an exemption from the compulsory immunization requirements of this section.

(d) Any school or state-regulated child care center personnel having information concerning any person who attempts to be enrolled in a school or state-regulated child care center without having been immunized against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus and whooping cough shall report the names of all such persons to the commissioner.

(e) Persons may be provisionally enrolled under minimum criteria established by the commissioner so that the person's immunization may be completed while missing a minimum amount of school. No person shall be allowed to enter school without at least one dose of each required vaccine.

(f) County health departments shall furnish the biologicals for this immunization for children of parents or guardians who attest that they cannot afford or otherwise access vaccines elsewhere.

(g) Health officers and physicians who provide vaccinations must present the person vaccinated with a certificate free of charge showing that they have been immunized against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus and whooping cough, or he or she may give the certificate to any person or child whom he or she knows to have been immunized against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus and whooping cough.

(h) The commissioner is authorized to grant, renew, condition, deny, suspend or revoke exemptions to the compulsory immunization requirements of this section, on a statewide basis, upon sufficient medical evidence that immunization is contraindicated or there exists a specific precaution to a particular vaccine.

(1) A request for an exemption to the compulsory immunization requirements of this section must be accompanied by the certification of a licensed physician stating that the physical condition of the child is such that immunization is contraindicated or there exists a specific precaution to a particular vaccine.

(2) The commissioner is authorized to appoint and employ an Immunization Officer to make determinations on request for an exemption to the compulsory immunization requirements of this section, on a statewide basis, and delegate to the Immunization Officer the authority granted to the commissioner by this subsection.

(3) A person appointed and employed as the Immunization Officer must be a physician licensed under the laws of this state to practice medicine.

(4) The Immunization Officer's decision on a request for an exemption to the compulsory immunization requirements of this section may be appealed to the State Health Officer.

(5) The final determination of the State Health Officer is subject to a right of appeal pursuant to the provisions of article five, chapter twenty-nine a of this code.

(i) A physician who provides any person with a false certificate of immunization against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus and whooping cough is guilty of a misdemeanor and, upon conviction, shall be fined not less than \$25 nor more than \$100.

(j) A child attending virtual public school shall be exempt from the requirements of this section, except if that child participates in public school extracurricular and co-curricular activities."

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

The bill was then 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.

Whereupon,

Unanimous consent was obtained to postpone the bill one day.

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

Delegate Lewis moved to amend the bill on page 2, Section 1, line 5, by striking out the words "competent attorney" and inserting in lieu thereof the words "hygiene commissioner";

And,

On page 2, Section 1, line 6 by striking out the word "attorneys" and inserting the word "commissioners";

And,

On page 27, Section 1, lines 14 and 15, by striking out the words "shall be a competent attorney, and".

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. 290**), and there were-- yeas 11, nays 78, absent and not voting 11, with the yeas and the absent and not voting being as follows:

Yeas: Fluharty, Griffith, Hamilton, Hansen, Hornbuckle, Kump, Lewis, Pinson, Pushkin, Rowe and Williams.

Absent and Not Voting: Anderson, Cannon, Foster, Garcia, Holstein, Lucas, Marple, McGeehan, Ross, Stephens and Willis.

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.

**Com. Sub. for H. B. 5345**, Relating to the registration requirements in the Sex Offender Registration Act; on second reading, coming up in regular order, was read a second time.

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

**Com. Sub. for H. B. 5530**, Relating to requiring a hospital to disclose price and fee information for certain health care services; 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. 5539**, Providing that causes of action under Chapter 46A of the Code of West Virginia survive the death of the party; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

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

At 3:12 p.m., on motion of Delegate Kimble, the House of Delegates recessed until 6:00 p.m.

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### Evening Session

\* \* \* \* \*

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

### First Reading

**Com. Sub. for H. B. 4507**, Creating a tax credit for improving facades in historic districts; on first reading, coming up in regular order, was read a first time and ordered to second reading.

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

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

**Revised Com. Sub. for H. B. 4621**, Relating to the Division of Corrections and Rehabilitation posting booking photographs of an accused person; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 4667**, Prohibiting syringe services programs from distributing listed smoking devices; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 4700**, Banning certain persons from sport wagering activities; on first reading, coming up in regular order, was read a first time and ordered to second reading.

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

**Com. Sub. for H. B. 4753**, Relating to providing health insurance coverage concerning biomarker testing; on first reading, coming up in regular order, was read a first time and ordered to second reading.

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

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

**Com. Sub. for H. B. 4952**, Relating to time frame of service of notice; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 4963**, Prohibiting the use of deep fake technology to influence an election; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 5025**, To repeal the additional one and one-half percent interest rate for underpayments and specify an effective date; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 5062**, Relating to permit a guardian ad litem to request the assistance of a court appointed special advocate; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 5130**, Relating to criminal trespass; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 5134**, Deceased Disabled Veteran Real Property Exemption for Widowed Spouses; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 5151**, Relating to defining term fictive kin; on first reading, coming up in regular order, was read a first time and ordered to second reading.

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

**H. B. 5237**, Prohibiting driving slow in left lane except under certain circumstances; on first reading, coming up in regular order, was reported by the Clerk.

**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 Kimble, and by unanimous consent, the bill was postponed one day.

**Com. Sub. for H. B. 5355**, Allowing volunteer fire departments to use fire protection funding for certain purchases; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 5399**, To modify the state auditing practices of the volunteer and part-volunteer fire departments; on first reading, coming up in regular order, was read a first time and ordered to second reading.

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

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

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

**Com. Sub. for H. B. 5516**, Relating to criminalizing the use of deep fakes; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 5548**, Relating to modifying requirements imposed on any owner, operator, or manager within a tourism development project; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 5565**, Relating to requiring the Division of Motor Vehicles to provide an identification card for eligible released inmates; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 5572**, Prohibiting cameras and recording devices in bedrooms and bathrooms of foster children; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 5613**, Relating to requiring the Governor to establish crisis preparedness plans; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 5697**, Relating to public charter schools code provisions; on first reading, coming up in regular order, was read a first time and ordered to second reading.

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

### 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. 5297**, Removing pubertal modulating and hormonal therapy from for severe gender dysphoria from prohibited practices,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5297** - "A Bill to amend and reenact §30-3-20 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-14-17 of said code, all relating to prohibiting pubertal modulation and hormonal therapy when provided to assist in a gender transition; and removing an expired internal effective date,"

With the recommendation that the committee substitute 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:

**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.

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. 4919**, Relating to the Promise Scholarship,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4919** - "A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to requiring the reinstatement of a Promise Scholarship Award upon meeting certain criteria; and deleting obsolete language,"

With the recommendation that the committee substitute 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. 4305**, Relating to granting in-state resident status to economic development participants,

And,

**H. B. 4945**, Relating generally to the Hope Scholarship Program,

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

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

Your Committee on the Judiciary has had under consideration:

**H. B. 5373**, Relating to changing political parties less than 60 days prior to filing for office,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5373** - "A Bill to amend and reenact §3-10-3; §3-10-4; §3-10-5; and §3-10-8 of the Code of West Virginia, 1931, as amended, all relating to prohibiting the appointment of an individual to fill a vacant office if that person has not been a member of that party for one year and requiring appointments be made from the political party with which the individual vacating the office was affiliated with at the time of his or her election,"

And,

**H. B. 5445**, Revising the statute to reduce the minimum age for a cadet for the West Virginia State Police from the age of 21 to the age of 18.,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5445** - "A Bill to amend and reenact §15-2-7 of the Code of West Virginia, 1931, as amended, revising the statute to reduce the minimum age for a cadet for the West Virginia State Police from the age of 21 to the age of 18; and eliminating the upper age restriction,"

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. 4591**, Give a 10-day right to appeal to the Supreme Court of Appeals a Secretary of State decision to not certify a candidacy,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4591** - "A Bill to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended, relating to requiring immediate verification of partisan election candidates' party affiliation; providing that the Secretary of State shall, upon receipt of certificates of announcements, also verify the residency and correct district of each prospective candidate; and giving individuals seeking to run for public office a 10-day right to appeal to the Supreme Court of Appeals the decisions of the Secretary of State not to verify the potential candidates' certificates of announcements,"

**H. B. 5077**, Establishing residency requirements for candidates seeking nomination and election to United States Congress,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5077** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-5-5; and to amend and reenact §3-5-13 of the Code of West Virginia, 1931, as amended, relating to the nomination and election of candidates for U.S. Congress; setting forth legislative findings and purpose; defining terms; setting forth residency requirements for candidacy; providing for legal standing to enforce and defend statute; establishing penalties; and clarifying the form and content of the ballot for an election to represent a Congressional district,"

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

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5241** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-33, relating to requiring the Insurance Commissioner to audit claims under the Public Employees Insurance Act related to post-traumatic stress disorder claims for first responders; and requiring annual reviews and reports to the Interim Joint Health Committee, Interim Committee on PEIA and Insurance, and the Interim Committee on Volunteer Fire Departments and Emergency Medical Services,"

And,

**H. B. 5358**, Creating an ombudsman program within the Division of Corrections and Rehabilitation to review complaints against a state agency or correctional facility,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5358** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15A-14-1, §15A-14-2, §15A-14-3, §15A-14-4, §15A-14-5, §15A-14-6, §15A-14-7, §15A-14-8, and §15A-14-9, all relating to the Corrections and Rehabilitation Ombudsman; authorizing an ombudsman position within the Office of the Inspector General; authorizing review of complaints; providing access to complainants, facilities, agencies, and records to assist in review; providing cooperation among government departments and agencies; clarifying confidentiality; providing limitations on liability; requiring an annual report; including penalties for noncompliance and retaliation; and providing funding for the program,"

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. 5305**, Relating to impaired driving not eligible for deferred adjudication,

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

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

Your Committee on the Judiciary has had under consideration:

**H. B. 5510**, Clarify law regarding the crime of witness tampering,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5510** - "A Bill to amend and reenact §61-5-27 of the code of West Virginia, 1931, as amended relating to removing the requirement for the likelihood of imminent lawless action of a violent nature that could cause bodily harm to the prerequisites for the crime of intimidation and retaliation,"

And,

**H. B. 5623**, Relating to absentee voting,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5623** - "A Bill to amend and reenact §3-3-12 of the Code of West Virginia, 1931, as amended, relating to codifying existing policy of the Secretary of State regarding the verification of absentee ballots; requiring the creation of an electronic absentee by mail ballot tracking system; and requiring certain content to be provided on the electronic absentee by mail ballot tracking system,"

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. 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 back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5617** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §24-2-1r relating to authorizing the Public Service Commission to promulgate rules for maintenance, flushing, flow testing, and marking of fire hydrants owned by water utilities; providing for resolution by Public Service Commission whenever portions of standards may conflict; providing a public water utility may use its cash working capital reserve for inspection, testing, maintenance, or replacement of fire hydrants to comply with the standards and rules adopted in this section,"

And,

**H. B. 5668**, Creating the Responsible Gaming and Research Act,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5668** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-22-30, relating to the creation of the Responsible Gaming and Research Act; creating a short title; providing for gaming data collection and sharing for scholarly purposes, and providing for preparation of the report,"

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. 5344**, Relating to testimony of cognitively delayed persons in open court and criminal penalties for assault of cognitively delayed persons,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5344** - "A Bill to amend and reenact §61-8B-5 of the Code of West Virginia, 1931, as amended, relating to creating an offense of relating to sexual assault in the third degree sexual assault in the third degree relating to a mentally defective or mentally incapacitated victim and creating criminal penalties and fines relating to said offense; relating to sexual assault in the third degree; creating criminal penalties; and clarifying when a mentally defective victim may be allowed to testify using two-way videoconferencing, or two-way closed circuit television,"

And,

**H. B. 5676**, The purpose of this bill is to change the estate code so that the County Clerk can charge a maximum of \$500 instead of \$300 to settle an estate and to remove reference to the fiduciary commissioner in 44-2-1(b),

And reports back a committee substitute therefor, as follows:

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

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. 5639**, Prompt Payment Act of 2024,

And reports the same back with the recommendation that it 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. 4975**, Relating to the creation of a child welfare information technology systems,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4975** - "A Bill to amend and reenact §49-2-111c of the Code of West Virginia, 1931, as amended, relating to establishing a foster parent information system; setting forth the requirements of the system; requiring the Department of Human Services to provide analysis, evaluation and reports regarding the system; and deleting obsolete language,"

And,

**H. B. 5685**, Relating to Medicaid Cost Containment,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5685** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-34, all relating to the state Medicaid program; adding requirement that the Bureau for Medical Services submit certain waivers and plan amendments that grow total program expenditures \$3 million or more beyond current expenses of the most recent available fiscal year through the legislative rulemaking process; authorizing emergency rules; and requiring the Bureau for Medical Services to study and provide reports to the Legislature, including reports regarding the costs of the program and recommendations to contain costs,"

With the recommendation that the committee substitutes each do pass.

### Leaves of Absence

At the request of Delegate Kimble, and by unanimous consent, leaves of absence for the day were granted Delegates Anderson and Ross.

### Miscellaneous Business

Delegate Smith asked and obtained unanimous consent to be added as a cosponsor of H. B. 4744.

Delegate Winzenreid asked and obtained unanimous consent to be added as a cosponsor of H. B. 4700.

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

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

**H. B. 4734:** Delegates Barnhart, Brooks and Martin;

**H. B. 5405:** Delegate Fehrenbacher;

**H. B. 5604:** Delegate Hott;

And,

**H. C. R. 8:** Delegate Thorne.

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

**H. B. 5297:** Delegates Summers and Tully.

At 7:22 p.m., the House of Delegates adjourned until 10:00 a.m., Monday, February 26, 2024.

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

## **SPECIAL CALENDAR**

**Monday, February 26, 2024**

**48th Day**

**10:00 A.M.**

### **UNFINISHED BUSINESS**

- H. C. R. 21 - Louie Patton Memorial Bridge  
H. C. R. 67 - Kenneth R. Lucas Memorial Bridge

### **THIRD READING**

- S. B. 600 - Revising criteria for receiving reenlistment or retention bonus  
H. B. 4855 - Require Division of Purchasing to write contracts in an unbiased manner [Right to Amend]  
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  
Com. Sub. for H. B. 5031 - Relating to human trafficking  
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. 5180 - Removing requirements to submit certain evidence on behalf of home schooled children [Right to Amend]  
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. 5345 - Relating to the registration requirements in the Sex Offender Registration Act. [Right to Amend]

- 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

## **SECOND READING**

- Com. Sub. for S. B. 631 - Prohibiting municipalities from disconnecting water service for nonpayment of stormwater fees
- Com. Sub. for S. B. 754 - Allowing car dealerships to utilize search engines to determine if buyers have valid motor vehicle insurance
- 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. 4700 - Banning certain persons from sport wagering activities
- 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 to employment of service personnel and removing the requirement for a high school diploma or general education development certificate.
- 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 allowing a guardian ad litem to request the appointment 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. 5162 - Establish a program to promote creation and expansion of registered apprenticeship programs
- 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. 5237 - Prohibiting driving slow in left lane except under certain circumstances
- 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 - Relating to clarifying the amount of experience required in the hiring of professional education personnel
- 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

### **FIRST READING**

- Com. Sub. for S. B. 331 - Eliminating cap on maximum amount of money in county's financial stabilization fund
- Com. Sub. for H. B. 4010 - Relating to providing notification of utility service disruption to its' customers
- Com. Sub. for H. B. 4258 - To require railroad companies to provide alternative entry and exit ways
- H. B. 4305 - Relating to granting in-state resident status to economic development participants
- Com. Sub. for H. B. 4313 - Creating the Parents' Bill of Rights
- Com. Sub. for H. B. 4591 - Give a 10-day right to appeal to the Supreme Court of Appeals a Secretary of State decision to not certify a candidacy.
- Com. Sub. for H. B. 4709 - Relating to vocational and technical education programs
- Com. Sub. for H. B. 4734 - To provide a pay increase to state correctional workers in West Virginia
- Com. Sub. for H. B. 4784 - Establish setback from residential properties for new windmills being constructed throughout the state.
- Com. Sub. for H. B. 4812 - Capping amount of moneys to third party vendors who collect business and occupation taxes on behalf of cities
- Com. Sub. for H. B. 4883 - Relating to increasing annual salaries of certain employees of the state
- Com. Sub. for H. B. 4919 - Relating to the Promise Scholarship
- H. B. 4945 - Relating generally to the Hope Scholarship Program
- Com. Sub. for H. B. 4956 - Creating the Oral Health and Cancer Rights Act
- Com. Sub. for H. B. 4975 - Relating to establishing a foster parent information system
- Com. Sub. for H. B. 5077 - Establishing residency requirements for candidates seeking nomination and election to United States Congress
- Com. Sub. for H. B. 5188 - Relating to awards and benefits for duty related disability in the municipal police officers and firefighters retirement system
- H. B. 5213 - To allow Gold Star spouses to receive one free Gold Star vehicle registration for personal use.
- Com. Sub. for H. B. 5241 - Requiring the West Virginia Office of the Insurance Commissioner to audit certain PEIA claims

- 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. 5289 - To allow for the implementation of Plasma Games in West Virginia public schools.
- Com. Sub. for H. B. 5297 - Relating to prohibiting pubertal modulation and hormonal therapy when provided to assist in a gender transition
- H. B. 5305 - Relating to impaired driving not eligible for deferred adjudication
- Com. Sub. for H. B. 5340 - Relating to requiring insurance coverage for a nonopioid drug for the treatment of pain for patients with substance use disorder.
- Com. Sub. for H. B. 5344 - Relating to testimony of cognitively delayed persons in open court and criminal penalties for assault of cognitively delayed persons
- Com. Sub. for H. B. 5349 - West Virginia Truth in Food Labeling Act
- Com. Sub. for H. B. 5358 - Creating an ombudsman program within the Division of Corrections and Rehabilitation to review complaints against a state agency or correctional facility.
- Com. Sub. for H. B. 5373 - Relating to changing political parties less than 60 days prior to filing for office
- Com. Sub. for H. B. 5405 - Providing additional professional development and support to West Virginia educators through teacher and leader induction and professional growth.
- H. B. 5437 - Relating to time limits imposed on the Division of Highways to grant a highway entrance permit
- Com. Sub. for H. B. 5445 - Revising the statute to reduce the minimum age for a cadet for the West Virginia State Police from the age of 21 to the age of 18.
- Com. Sub. for H. B. 5510 - Clarify law regarding the crime of witness tampering
- Com. Sub. for H. B. 5514 - Enhancing training requirements for county boards of education members.
- Com. Sub. for H. B. 5583 - Relating of movement of oversized vehicles on roadways
- H. B. 5594 - Exempting West Virginia University and Marshall University from contracts, agreements, or memorandums of understanding with spending units in state government with exceptions
- Com. Sub. for H. B. 5595 - Relating to shortened procedure for road condition claims
- Com. Sub. for H. B. 5604 - Relating to procurement by state spending units
- Com. Sub. for H. B. 5609 - Relating to confidentiality of child care records and the Foster Care Ombudsman

- Com. Sub. for 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
- Com. Sub. for H. B. 5623 - Relating to absentee voting
- H. B. 5639 - Prompt Payment Act of 2024
- Com. Sub. for H. B. 5668 - Creating the Responsible Gaming and Research Act
- Com. Sub. for H. B. 5676 - Relating to changing the maximum amount a County Clerk can charge to settle an estate and removing reference to Fiduciary Commissioner
- Com. Sub. for H. B. 5685 - Relating to Medicaid Cost Containment

## HOUSE CALENDAR

Monday, February 26, 2024

48th Day

10:00 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. 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. 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. 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. 4864 - To prohibit municipalities from shutting off water service for the nonpayment of stormwater management fees.
- 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
- 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**

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**MONDAY, FEBRUARY 26, 2024**

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**HOUSE CONVENES AT 10:00 A.M.**

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**COMMITTEE ON RULES  
9:45 A.M. - BEHIND THE CHAMBER**

**COMMITTEE ON POLITICAL SUBDIVISIONS  
9:30 A.M. – EDUCATION COMMITTEE ROOM**

**COMMITTEE ON GOVERNMENT ORGANIZATION  
1:00 P.M. – EAST WING COMMITTEE ROOM**

**COMMITTEE ON EDUCATION  
2:00 P.M. – EDUCATION COMMITTEE ROOM**

**COMMITTEE ON THE JUDICIARY  
2:30 P.M. – JUDICIARY COMMITTEE ROOM**

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