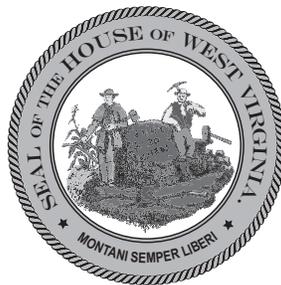


West Virginia Legislature

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February 26, 2024
FORTY-EIGHTH DAY

Monday, February 26, 2024

FORTY-EIGHTH 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 Friday, February 23, 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 Householder announced that Com. Sub. for H. B. 5180, on Third Reading, Special Calendar and Com. Sub. for H. B. 5445, on First Reading, Special Calendar, had been transferred to the House Calendar; and H. B. 5280 and H. B. 5194, on First Reading, House Calendar had been transferred to the Special Calendar.

The Speaker subsequently announced that Com. Sub. for H. B. 5345, on Third Reading, Special Calendar had also been transferred to the House Calendar.

Committee Reports

On motion for leave a resolution was introduced (Originating in the Committee on Education and reported with the recommendation that it be adopted, but that it first be referred to the Committee on Rules), which was read by its title, as follows:

By Delegate Pinson:

H. C. R. 88 - "Requesting the Department of Education to collaborate with the Bureau for Social Services to ensure foster care children have access to academic support services in reading and mathematics and mental health support for elementary, middle and high school students."

The Speaker referred the resolution (H. C. R. 88) was referred to the Committee on Rules.

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

Your Committee on Government Organization has had under consideration:

H. B. 5351, To amend the definition of commercial solid waste facility,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5351 - "A Bill to amend and reenact §22-15-2 of the Code of West Virginia, 1931, as amended, relating to amending the definition of a commercial solid waste facility

to exclude a solid waste facility in which the owner or operator of same is consolidating collected solid waste for transportation and disposal,"

With the recommendation that the committee substitute do pass.

At the respective requests of Delegate Householder, and by unanimous consent, the bill (Com. Sub. for H. B. 5351) was taken up for immediate consideration, read a first time and ordered to second reading.

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

Your Committee on Government Organization has had under consideration:

H. B. 4721, Require Surveyors to offer to record surveys of property,

H. B. 5192, Relating to requiring the Board of Pharmacy to promulgate a rules,

H. B. 5551, Relating to continuing education concerning domestic violence,

And,

H. B. 5632, Relating generally to West Virginia Real Estate License Act,

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

At the respective requests of Delegate Householder, and by unanimous the bills (H. B. 4721, H. B. 5192, H. B. 5551 and H. B. 5632) were taken up for immediate consideration, read a first time and ordered to second reading.

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. 4722, Create a credit against the severance tax to encourage private companies to make infrastructure improvements to highways, roads and bridges in this state,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4722 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13NN-1, §11-13NN-2, §11-13NN-3, §11-13NN-4, §11-13NN-5, §11-13NN-6, §11-13NN-7, §11-13NN-8, §11-13NN-9 and §11-13NN-10, all relating to establishing a road or highway infrastructure improvement projects tax credit for taxpayers subject to the tax imposed by West Virginia code §11-13A-3; specifying a short title; specifying legislative findings and purpose for new credit; defining terms; specifying the amount of the credit, application of credit, and carry forward of unused credit; excluding application of any credits against any portion of severance taxes dedicated to counties and municipalities; requiring filing of application for road or highway infrastructure improvement project credit as condition precedent to claiming credit, specifying procedure for application for certification, contents of application and limitation on maximum amount of credits which can be approved; allowing transfer of credits to successors; providing for forfeiture of unused tax credits and redetermination of credit

allowed; providing penalties for failure to maintain records of qualified property; and establishing an effective date,"

H. B. 5338, Relating to the Consumer Data Protection Act and establishing a framework for controlling and processing personal data in the State,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5338 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31A-8H-1, §31A-8H-2, §31A-8H-3, §31A-8H-4, and §31A-8H-5, all relating to providing an affirmative legal defense to certain types of businesses against certain types of lawsuits claiming that the business failed to implement reasonable cybersecurity protections and that as a result, a data breach of personal information or restricted information occurred if the business creates, maintains, and complies with a written cybersecurity program that contains administrative, technical, operational, and physical safeguards for the protection of personal information as set forth in this act; describing the requirements of the cybersecurity program; construction of article; and providing immunity in certain circumstances to certain institutions of higher education in this state that offer a cybersecurity assessment program as part of an undergraduate or graduate program relating to cybersecurity to any business in the state,"

H. B. 5379, Relating to financial assistance available for a prescription drug,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5379 - "A Bill to amend and reenact §33-15-4t of the Code of West Virginia, 1931, as amended; to amend and reenact §33-16-3ee of said code; to amend and reenact §33-24-7t of said code; to amend and reenact §33-25-8q of said code; and to amend and reenact §33-25A-8t of said code; all relating to cost sharing under health plans; requiring pharmacy benefits managers to include any cost sharing amounts paid by insured or by another person when calculating insured's contribution to any applicable cost sharing requirement; applying certain annual limitation on cost sharing to all health plans issued in this state; preventing insurers, pharmacy benefits managers, and third-party administrators from changing the terms of health plan coverage based on the availability or amount of financial assistance available for a prescription drug; defining terms; providing civil penalties and authorizing restitution; and providing effective date,"

And,

H. B. 5432, To move the essential functions of the Information Services and Communications Division into the Office of Technology,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5432 - "A Bill to amend and reenact §5A-6-1, §5A-6-3, and §5A-6-4 of the Code of West Virginia, 1931, as amended; and to repeal §5A-7-1, §5A-7-2, §5A-7-3, §5A-7-4, §5A-7-4a, §5A-7-5, §5A-7-6, §5A-7-7, §5A-7-8, §5A-7-9, §5A-7-10, and §5A-7-11 of said code, all relating to combining Information Services and Communications Division with the West Virginia Office of Technology; transferring funds from the Information Systems and Communications Division to the Office of Technology; renaming special revenue fund and providing purposes for expenditures; closing funds and transferring unexpended balances; authorizing the Chief

Information Officer to conduct requisition reviews; authorizing the Chief Information Officer to collect a fee for services provided to other public bodies; Provide guidance and services to support data retention and electronic discovery of executive agency data in compliance with agency data retention policies and directives; and requiring the Chief Information Officer to provide mail service for state spending units,"

With the recommendation that the committee substitutes each do pass.

At the respective requests of Delegate Householder, and by unanimous consent, the bills (Com. Sub. for H. B. 4722, Com. Sub. for H. B. 5338, Com. Sub. for H. B. 5379 and Com. Sub. for H. B. 5432) were taken up for immediate consideration, read a first time and ordered to second reading.

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

By Delegate Linville:

H. B. 5698 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6O-1, §46A-6O-2, §46A-6O-3, §46A-6O-4, §46A-6O-5, §46A-6O-6, §46A-6O-7, §46A-6O-8, §46A-6O-9, §46A-6O-10, §46A-6O-11, §46A-6O-12 and §46A-6O-13, all relating to the Consumer Data Protection Act; inserting establishing a framework for controlling and processing personal data in the state; creating definitions; limiting application to all persons that conduct business in the state and either control or process personal data of at least 100,000 consumers or derive over 50 percent of gross revenue from the sale of personal data and control or process personal data of at least 25,000 consumers; providing exemptions; delineating responsibilities and privacy protection standards for data controllers and processors; clarifying standards do not apply to state or local governmental entities; providing exceptions for certain types of data and information governed by federal law; providing that consumers have rights to access, correct, delete, obtain a copy of personal data, and to opt out of the processing of personal data for the purposes of targeted advertising; providing that the Attorney General has exclusive authority to enforce violations of the law; providing for assistance of the Attorney General in obtaining relief; establishing the Consumer Privacy Fund to support this effort; and providing for construction and an effective date."

At the respective requests of Delegate Householder, and by unanimous consent, the bill (H. B. 5698) was taken up for immediate consideration, read a first time and ordered to second reading.

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. 5331, Relating to boating safety education certificate,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5331 - "A Bill to amend and reenact §20-7-12b of the Code of West Virginia, 1931, as amended, relating to boating safety; and requirement of valid driver's license or certificate of boating safety education for boating,"

With the recommendation that the committee substitute do pass.

At the respective requests of Delegate Householder, and by unanimous consent, the bill (Com. Sub. for H. B. 5331) was taken up for immediate consideration, read a first time and ordered to second reading.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. C. R. 47, U. S. Army SGT John Claude Roby Memorial Bridge,

And,

H. C. R. 49, U. S. Air Force Airman 1st Class "Willis "Arnold" Karickhoff Memorial Bridge,

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

At the respective requests of Delegate Householder, and by unanimous consent, reference of the resolutions (H. C. R. 47 and H. C. R. 49) to the Committee on Rules was dispensed with, and each were taken up for immediate consideration, and adopted.

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

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:

Com. Sub. for S. C. R. 4, US Army 2LT Eston Kuhn Memorial Bridge,

S. C. R. 21, US Army MSG James E. Jackson Jr. Memorial Road,

Com. Sub. for S. C. R. 22, USMC Major Cornelius Burdette Memorial Road,

S. C. R. 23, US Navy LT Lewis Joseph D'Antoni Memorial Road,

S. C. R. 25, US Army SGT Wyatt K. Hinton Memorial Bridge,

And,

Com. Sub. for S. C. R. 26, US Army Private Clarence William "Buck" Holliday Memorial Road,

And reports the same back with the recommendation that they each be adopted.

Messages from the Executive And Other Communications

The Clerk announced that S. B. 507 was present to the Governor on February 23, 2024.

Communications from His Excellency, the Governor, advised that on February 23, 2024, he approved Com. Sub. for H. B. 4801, S. B. 171 and Com. Sub. for S. B. 354.

Messages from the Senate

A message from the Senate, by

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

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

A message from the Senate, by

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

Com. Sub. for H. B. 5057, To raise the threshold for nominal referral fees from \$25 to \$100.

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. 167 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3uu, relating to authorizing county commissions to impose a health and safety fee for tourism and recreational activities within the county; listing applicable activities and how fee to be calculated thereon; providing that fee may only be collected once on any seasonal or annual pass purchased for activities to which fee is applicable; establishing that fee may not be collected or imposed on activities within municipalities that have levied an amusement tax; establishing who owes fee, collection, and remittance to county; requiring counties who impose fee to notify the State Fire Marshal and the Office of Emergency Medical Services; authorizing counties to promulgate administrative procedures for collection of fee; providing that the sheriff is the county's agent for collection of fee; requiring moneys collected for fee be kept in a separate account; establishing requirements for use of proceeds from fee; establishing waiver process for alternative use of proceeds; and providing rulemaking authority"; 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

Com. Sub. for S. B. 562 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §9-8-2a and §9-8-2b, all relating to expanding the current mandatory employment and training requirements necessary to receive Supplemental Nutrition Assistance Program benefits; defining and developing exemptions; clarifying the secretary's duties when there is a lack of funding or inability to provide employment and training; identifying when assignments to the employment and training program may not be suspended; evaluating the current voluntary employment and training program requirements necessary to receive Supplemental Nutrition Assistance Program benefits; requiring the department to define and develop reporting systems; and reporting on and measuring expectations of the employment and training program"; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 603 - "A Bill to amend and reenact §22-15-2 of the Code of West Virginia, 1931, as amended, relating to definition of "commercial solid waste facility"; amending definition to exclude solid waste facility that collects and consolidates solid waste from certificated motor carrier's existing customers at no additional charge to customers before transportation to disposal facility; and mandating that such facility comply with bonding and pre-siting notice requirements."

At the respective requests of Delegate Householder, and by unanimous consent, reference of the bill (Com. Sub. for S. B. 603) 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 concurrence in the amendment of the House of Delegates and the passage, as amended, of

Com. Sub. for S. B. 668, Increasing amount of certain controlled substances persons may purchase annually.

A message from the Senate, by

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

S. B. 712 - "A Bill to amend and reenact §15-2-7 of the Code of West Virginia, 1931, as amended, relating to 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."

At the respective requests of Delegate Householder, and by unanimous consent, reference of the bill (S. B. 712) 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. 746 - "A Bill to amend and reenact §15A-8-2 and §15A-8-3 of the Code of West Virginia, 1931, as amended, all relating to the composition of the West Virginia Regional Jail and Correctional Facility Authority Board and scheduled meetings"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 778 - "A Bill to amend and reenact §61-11-18 of the Code of West Virginia, 1931, as amended, relating to qualifying offenses for the purpose of enhancing the sentence of a repeat offender"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 806 - "A Bill to amend and reenact §18-2-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-5B-7 of said code; to repeal §18-5F-6 of said code; to repeal §18-9A-7a of said code; to repeal §18-9F-8 of said code; and to amend and reenact §18A-3C-3 of said code, all relating to the Legislative Oversight Commission on Education Accountability; removing required submission of plan to implement and update computer science instruction and learning standards in the public schools; removing required submission of annual report on innovation zones and the progress of innovation zone plans; removing required report on all aspects of the program at the end of the first year a virtual instruction program is implemented; removing required report on proposed revisions to the calculation of the allowance for service personnel to provide additional funded service personnel positions for lower-population density districts covering a large geographic areas; removing required report regarding implementation of school access safety and crisis response article; and removing requirement for review of the progress of the implementation of the comprehensive systems of support for teacher and leader induction and professional growth"; which was referred to the Committee on Education.

A message from the Senate, by

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

S. B. 815 - "A Bill to amend and reenact §49-2-111a of the Code of West Virginia, 1931, as amended, relating to performance-based contracting for child-placing agencies; and requiring the Department of Human Services and the Bureau for Social Services to make a rate study, analysis of workforce capacity, and the impact on children of the current reimbursement levels for child-placement agencies and to report the performance of the child-placing agency to the Legislative Oversight Commission on Health and Human Resources Accountability and to the Joint Committee on Government and Finance by December 31, annually"; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 844 - "A Bill to amend and reenact §10-5-1, §10-5-2, and §10-5-3 of the Code of West Virginia, 1931, as amended, all relating to Educational Broadcasting Authority; changing name of Educational Broadcasting Authority to Educational Broadcasting Commission; reducing number of commission members; authorizing Secretary of Department of Arts, Culture, and History to appoint commission director; and making technical corrections"; which was referred to the Committee on Government Organization.

Resolutions Introduced

Resolutions were introduced and severally referred as follows:

By Delegates Howell, W. Clark, Fehrenbacher, Thorne, Moore, Willis, Sheedy, Hornby, DeVault, Maynor and Campbell:

H. C. R. 90 - "Requesting that the Joint Committee on Government and Finance engage in a study concerning a program to provide funding support for major events in the state"; to the Committee on Rules.

By Delegates Howell, W. Clark, Dittman, Pinson, E. Pritt, Moore, Lewis, DeVault, Street, Fehrenbacher and Ferrell:

H. C. R. 91 - "Requesting that the Joint Committee on Government and Finance study the differences in commercial real property taxes in West Virginia versus bordering states and what can be done to mitigate such differences"; to the Committee on Rules.

Motions

Delegate Cannon asked and obtained unanimous consent to be added as a cosponsor of H. B. 5698.

Special Calendar

Unfinished Business

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

H. C. R. 21, Louie Patton Memorial Bridge; coming up in regular order, as unfinished business, was reported by the Clerk, and adopted.

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

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

On motion of Delegate Cannon, the resolution was amended on page 1, line 2, immediately preceding the word "Kenneth" by inserting the following: "U.S. Army SGT

And,

On page 1, line 16, immediately preceding the word "Kenneth" by inserting the following: "U.S. Army SGT

And,

On page 2, line 18, immediately preceding the word "Kenneth" by inserting the following: "U.S. Army SGT

The resolution, as amended, was then adopted.

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

Third Reading

S. B. 600, Revising criteria for receiving reenlistment or retention bonus; 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. 291**), 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: Barnhart, Fehrenbacher, Hardy, Kelly and Petitto.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 600) passed.

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

H. B. 4855, Require Division of Purchasing to write contracts in an unbiased manner; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

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

"ARTICLE 3. PURCHASING DIVISION.

§5A-3-3. Authority of Director of Purchasing.

The director, under the direction and supervision of the secretary, is the executive officer of the Purchasing Division and has the authority to:

- (1) Direct the activities and employees of the Purchasing Division;
- (2) Ensure that the purchase of or contract for commodities and services ~~are~~ is based on competitive bid and is nonspecific in regard to a specific manufacturer, supplier, trade name, or brand, except when another method of procurement is determined to be in the best interest of the state pursuant to 5A-3-18 of this code;
- (3) Purchase or contract for, or assist and facilitate the purchase or contract for the spending units of the state government, in the name of the state, the commodities, services, and printing required by the spending units of the state government;
- (4) Apply and enforce standard specifications established in accordance with §5A-3-5 of this code as hereinafter provided;
- (5) Transfer to or between spending units or sell commodities that are surplus, obsolete, or unused as hereinafter provided;
- (6) Have charge of central storerooms for the supply of spending units as the director considers advisable;
- (7) Establish and maintain a laboratory for the testing of commodities and make use of existing facilities in state institutions for that purpose as hereinafter provided as the director considers advisable;
- (8) Suspend the right and privilege of a vendor to bid on state purchases when the director has evidence that the vendor has violated any of the provisions of the purchasing law or the rules and regulations of the director;

(9) Timely provide guidance to and assist any spending unit in the development of the provisions and terms of contracts entered into for and on behalf of the State of West Virginia that impose any obligation upon the state to pay any sums of money for commodities or services and approve contracts as to such provisions and terms; and the duties of providing guidance and assistance and approval herein set forth do not supersede the responsibility and duty of the Attorney General to approve the contracts as to form; *Provided*, That the provisions of this subdivision do not apply in any respect whatever to construction or repair contracts entered into by the Division of Highways of the Department of Transportation or to construction or reclamation contracts entered into by the Department of Environmental Protection; *Provided, however*, That the provisions of this subdivision do not apply in any respect whatsoever to contracts entered into by the University of West Virginia Board of Trustees or by the board of directors of the state college system, except to the extent that such boards request the facilities and services of the director under the provisions of this subdivision: *Provided further*, That the provisions of this subdivision do not apply to the West Virginia State Police and the West Virginia Office of Laboratory Services: *And provided further*, That the provisions of this subdivision shall not apply to contracts for any natural disaster recovery activities entered into by the West Virginia State Conservation Committee or the West Virginia Conservation Agency;

(10) Timely provide guidance to and assist any spending unit in the development of the specifications and descriptions in solicitations to be prepared so as to provide all potential suppliers-vendors who can meet the requirements of the state an opportunity to bid and to assure that the specifications and descriptions do not favor a particular brand or vendor; If the director determines that any such specifications or descriptions as written favor a particular brand or vendor or if it is decided by the relevant spending unit, in consultation with the director, either before or after the bids are opened, that a commodity or service having different specifications or quality or in different quantity can be acquired to better achieve the ends sought by the relevant spending unit, the solicitation may be rewritten and the matter shall be rebid or another procurement method pursued, where determined appropriate;

(11) Issue a notice to cease and desist to a spending unit when the director has credible evidence that a spending unit has violated the requirements of this article and the rules promulgated hereunder. Failure to abide by the notice may result in penalties set forth in §5A-3-17 of this code; and

(12) Exempt particular transactions, or particular categories of transactions, from the requirements of this article; provided that the director, in consultation with any relevant spending unit, shall determine such exemption to be in the best interest of the state.

(13) Make the resources and expertise of the division available to spending units exempted from the requirements of this article: *Provided*, That the director may, in consultation with the relevant spending unit, assess an exempt spending unit for the division's reasonable costs in order to ensure sufficient staffing and other resources to timely provide all necessary or requested assistance to the various spending units of the state.

§5A-3-18. Substituting for commodity bearing particular trade name or brand Request for exemption to purchase a commodity or service from a specific manufacturer or supplier or bearing a specific trade name or brand.

~~If a spending unit requests the purchase of a commodity bearing a particular trade name or brand, the director may substitute, after consultation with the relevant spending unit, a commodity~~

~~bearing a different trade name or brand, if the substituted commodity reasonably conforms to the adopted standard specifications and can be obtained at an equal or lower price.~~

The director may allow the purchase of a commodity or service from a specific manufacturer or supplier, or bearing a specific trade name or brand, if the following conditions are met:

(1) The spending unit submits to the director a written request for the purchase of a commodity or service from a specific manufacturer or supplier, or bearing a specific trade name or brand; and

(2) The director determines that the purchase of a commodity or service from a specific manufacturer or supplier, or bearing a specific trade name or brand, is in the best interest of this state; and

(A) Nonspecific commodities or services cannot be purchased at an equal or lower price; or

(B) The specific commodities or services are determined to be most advantageous to the state pursuant to the best value procurement process and criteria found in §5A-3-10b of this code."

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 292**), 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: Barnhart, Hardy, Kelly and Petitto.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4855) passed.

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 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. 293**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Vance.

Absent and Not Voting: Hardy and Petitto.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4967) 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. 4999, Creating exception to spousal privilege; 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. 294**), 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: Garcia, Hardy, Petitto and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4999) passed.

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

H. B. 4999 - “A Bill to amend and reenact §57-3-3 of the Code of West Virginia, 1931, as amended, relating to expanding the exception to spousal testimonial privilege to include cases of offenses committed against the grandchildren of either spouse, or minor, as defined in §2-2-10 of this code, or any person deemed incompetent by mental disease, defect, or other disability.”

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 read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 295**), and there were—yeas 83, nays 13, absent and not voting 4, with the nays and the absent and not voting being as follows:

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

Absent and Not Voting: Foggin, Hardy, Longanacre and Petitto.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5031) 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. 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 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. 296**), 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: Bridges, Hardy, Longanacre, Petitto, E. Pritt, Ross and Shamblin.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5039) passed.

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

H. B. 5039 - "A Bill to amend and reenact §17C-5-7 and §17C-5-7a of the Code of West Virginia, 1931, as amended, all relating to the procedures for revocation of license relating to refusing a secondary chemical test; providing an arresting officer shall submit certain information to the Commissioner of the Division of Motor Vehicles and the court; providing that at the person's first pre-trial conference or initial preliminary hearing the Court shall conduct a refusal review hearing; providing form for refusal review hearing; providing for entry of a revocation order; and altering obsolete language."

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. 5093, Relating to revision of orders concerning distribution of marital property; 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. 297**), 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: C. Pritt.

Absent and Not Voting: Hardy, Hite and Petitto.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5093) 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. 5105, To eliminate the vaccine requirements for public virtual schools; 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. 298**), and there were—yeas 57, nays 41, absent and not voting 2, with the nays and the absent and not voting being as follows:

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

Absent and Not Voting: Hardy and Lewis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5105) passed.

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

Com. Sub. for H. B. 5105 - "A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating to eliminating the vaccine requirements for students of public virtual schools, private schools, or parochial schools unless the student participates in sanctioned athletic events, and creating a religious exemption from vaccine requirements."

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

Com. Sub. for H. B. 5254, Relating generally to the creation of mental hygiene regions by the Supreme Court of Appeals; 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. 299**), and there were—yeas 78, nays 18, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Adkins, Bridges, Brooks, W. Clark, Dillon, Foggin, Green, Hite, Holstein, Householder, Kirby, Kump, Longanacre, Marple, Pinson, Steele, Toney and Vance.

Absent and Not Voting: Hardy, Lewis, Ridenour and Warner.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5254) passed.

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

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

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. 5530, Relating to requiring a hospital to disclose price and fee information for certain health care services; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 300**), 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: Hardy and Lewis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5530) passed.

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

Unanimous consent was then obtained to return to further consideration of **H. B. 4855** for a title amendment.

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

H. B. 4855 - "A Bill to amend and reenact §5A-3-3 and §5A-3-18 of the Code of West Virginia, 1931, as amended, all relating to the purchasing division; and requiring the purchasing division contracts to be nonspecific in regards to manufacturers or suppliers of commodities; providing that the director may allow the purchase of a commodity or service from a specific manufacturer or supplier, or bearing a specific trade name or brand, under certain specified conditions."

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. 5539, Providing that causes of action under Chapter 46A of the Code of West Virginia survive the death of the party; 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. 301**), 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: Hardy and Lewis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5539) 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. 5696, Relating to the upper Ohio Valley Trail Network; 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. 302**), and there were—yeas 92, nays 5, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Dillon, Kimble, Kirby, Vance and Ward.

Absent and Not Voting: Bridges, Hardy and Lewis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5696) passed.

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

Second Reading

Com. Sub. for S. B. 631, Prohibiting municipalities from disconnecting water service for nonpayment of stormwater fees; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Fast, Riley and Hardy, the bill was amended on page 1, line 1 by striking everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 13. SEWAGE WORKS AND STORMWATER WORKS.

§16-13-16. RATES FOR SERVICE; DEPOSIT REQUIRED FOR NEW CUSTOMERS; FORFEITURE OF DEPOSIT; RECONNECTING DEPOSIT; TENANT’S DEPOSIT; CHANGE OR READJUSTMENT; HEARING; ~~LIEN AND RECOVERY; DISCONTINUANCE OF SERVICES~~ APPEALS BOARD.

(a) A governing body has the power and duty, by ordinance, to establish and maintain just and equitable rates, fees, or charges for the use of and the service rendered by:

(a)(1) Sewerage works, to be paid by the owner of each lot, parcel of real estate or building that is connected with and uses the works by or through any part of the sewerage system of the municipality or that in any way uses or is served by the works; and

(b)(2) Stormwater works, to be paid by the owner of each lot, parcel of real estate or building that in any way uses or is served by the stormwater works or whose property is improved or protected by the stormwater works or any user of such stormwater works.

(e) (b) The governing body may change and readjust the rates, fees, or charges from time to time. However, no rates, fees, or charges for stormwater services may be assessed against highways, road and drainage easements or stormwater facilities constructed, owned or operated by the West Virginia Division of Highways.

(d) (c) All new applicants for service shall indicate to the governing body whether they are an owner or tenant with respect to the service location. An entity providing stormwater service shall provide a ~~tenant~~ new applicant for service a report of the stormwater fee charged for the entire property and, if appropriate ~~the new applicant is a tenant~~, that portion of the fee to be assessed to the tenant. Any municipality that provides stormwater utilities shall form a municipal stormwater appeals board. The board shall consist of a member of the stormwater utility board, a municipal council member, and a rate payer. New applicants for service may appeal the estimated residential usage or equivalent dwelling usage to the board. Any such appeal must be brought within 60 days of receiving the report of the stormwater fee.

(e)(d) The governing body may collect from all new applicants for service a deposit of \$50 or two twelfths of the average annual usage of the applicant’s specific customer class, whichever is greater, to secure the payment of service rates, fees, and charges in the event ~~they~~ he or she ~~become~~ becomes delinquent as provided in this section. In any case where a deposit is forfeited to pay service rates, fees, and charges which were delinquent at the time of disconnection or termination of service, service may not be reconnected or reinstated by the governing body until

another deposit equal to \$50 or a sum equal to two twelfths of the average usage for the applicant's specific customer class, whichever is greater, is remitted to the governing body. After 12 months of prompt payment history, the governing body shall return the deposit to the customer or credit the customer's account with interest at a rate as the Public Service Commission may prescribe: *Provided*, That where the customer is a tenant, the governing body is not required to return the deposit until the time the tenant discontinues service with the governing body. ~~Whenever any rates, fees, rentals, or charges for services or facilities furnished remain unpaid for a period of 20 days after they become due, the user of the services and facilities provided is delinquent. The user is liable until all rates, fees, and charges are fully paid. The governing body may, under reasonable rules promulgated by the Public Service Commission, shut off and discontinue water services to a delinquent user of sewer facilities 10 days after the sewer services become delinquent regardless of whether the governing body utilizes the security deposit to satisfy any delinquent payments: *Provided, however*, That nothing contained within the rules of the Public Service Commission may require agents or employees of the governing body to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill.~~

(f) ~~(e)~~ The rates, fees, or charges shall be sufficient in each year for the payment of the proper and reasonable expense of operation, repair, replacements and maintenance of the works and for the payment of the sums herein required to be paid into the sinking fund. Revenues collected pursuant to this section shall be considered the revenues of the works.

~~(g)~~ ~~(f)~~ No such rates, fees, or charges may be established until after a public hearing, at which all the users of the works and owners of property served or to be served thereby and others interested shall have an opportunity to be heard concerning the proposed rates, fees or charges.

~~(h)~~ ~~(g)~~ After introduction of the ordinance fixing the rates, fees or charges, and before the same is finally enacted, notice of the hearing, setting forth the proposed schedule of rates, fees or charges, shall be given by publication as a Class I legal advertisement in compliance with §59-3-1 *et seq.* of this code and the publication area for the publication shall be the municipality. The first publication shall be made at least five days before the date fixed in the notice for the hearing.

~~(i)~~ ~~(h)~~ After the hearing, which may be adjourned, from time to time, the ordinance establishing rates, fees or charges, either as originally introduced or as modified and amended, shall be passed and put into effect. A copy of the schedule of the rates, fees, and charges shall be kept on file in the office of the board having charge of the operation of the works, and also in the office of the clerk of the municipality, and shall be open to inspection by all parties interested. The rates, fees, or charges established for any class of users or property served shall be extended to cover any additional premises thereafter served which fall within the same class, without the necessity of any hearing or notice.

~~(j)~~ ~~(i)~~ Any change or readjustment of the rates, fees, or charges may be made in the same manner as the rates, fees, or charges were originally established as hereinbefore provided: *Provided*, That if a change or readjustment be made substantially pro rata, as to all classes of service, no hearing or notice shall be required. ~~The aggregate of the rates, fees, or charges shall always be sufficient for the expense of operation, repair and maintenance and for the sinking fund payments.~~

~~(k)~~ All rates, fees, or charges, if not paid when due, shall constitute a lien upon the premises served by the works. If any service rate, fee, or charge is not paid within 20 days after it is due, the amount thereof, together with a penalty of 10 percent and a reasonable attorney's fee, may be recovered by the board in a civil action in the name of the municipality. The lien may be

~~foreclosed against the lot, parcel of land or building in accordance with the laws relating thereto. Where both water and sewer services are furnished by any municipality to any premises, the schedule of charges may be billed as a single amount or individually itemized and billed for the aggregate thereof.~~

~~(l) Whenever any rates, rentals, fees or charges for services or facilities furnished shall remain unpaid for a period of 20 days after they become due, the property and the owner thereof, as well as the user of the services and facilities shall be delinquent until such time as all rates, fees, and charges are fully paid. When any payment for rates, rentals, fees or charges becomes delinquent, the governing body may use the security deposit to satisfy the delinquent payment.~~

~~(m) The board collecting the rates, fees, or charges shall be obligated under reasonable rules to shut off and discontinue both water and sewer services to all delinquent users of water sewer or stormwater facilities and shall not restore either water facilities or sewer facilities to any delinquent user of any such facilities until all delinquent rates, fees, or charges for water sewer, and stormwater facilities, including reasonable interest and penalty charges, have been paid in full, as long as the actions are not contrary to any rules or orders of the Public Service Commission: *Provided*, That nothing contained within the rules of the Public Service Commission may be considered to require any agents or employees of the municipality or governing body to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill.~~

§16-13-16a. Discontinuance of services; lien and recovery.

(a) Whenever any rates, fees, rentals, or charges for services or facilities furnished remain unpaid for a period of 20 days after they become due, the user of the services and facilities provided is delinquent. The user is liable until all rates, fees, and charges are fully paid. When any payment for rates, rentals, fees or charges becomes delinquent, the governing body may use the security deposit collected in accordance with §16-13-16 to satisfy the delinquent payment.

(b) The governing body may, under reasonable rules promulgated by the Public Service Commission, shut off and discontinue water services to a delinquent user of sewer facilities 10 days after the sewer services become delinquent regardless of whether the governing body utilizes the security deposit to satisfy any delinquent payments: *Provided, however*, That nothing contained within the rules of the Public Service Commission may require agents or employees of the governing body to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill.

(c) The board collecting the rates, fees, or charges shall be obligated under reasonable rules to shut off and discontinue both water and sewer services to all delinquent users of water or sewer facilities and shall not restore either water facilities or sewer facilities to any delinquent user of any such facilities until all delinquent rates, fees, or charges for water and sewer facilities, including reasonable interest and penalty charges, have been paid in full, as long as the actions are not contrary to any rules or orders of the Public Service Commission: *Provided*, That nothing contained within the rules of the Public Service Commission may be considered to require any agents or employees of the municipality or governing body to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill.

(d) The governing body or the board collecting the rates, fees, or charges may shut off and discontinue water services to users with delinquent stormwater fees, provided that:

(1) The water service and stormwater fee are in the name of the same user;

(2) The rates, fees, or charges incurred by the user are 90 days past due;

(3) The provider has given the user written notice of termination of water service for nonpayment. Such notice must be given to the user at least 10 days before the termination of service and must notify the user of their right to enter into a deferred payment plan;

(4) The provider has attempted to make personal contact with the user at least two times in the 24 hours immediately before the termination of the service. If the provider makes personal contact with the user, the provider must inform the user of their right to enter into a deferred payment plan.

(5) The water service for a user who has entered into a deferred payment plan under this subsection may not be shut off or discontinued as long as the user is in conformance with the agreed to payment plan. In the event the user falls out of compliance with the deferred payment plan, no sooner than five days after the missed payment, the provider may terminate service: *Provided*, That the provider must make one attempt to make personal contact with the user in the 24 hours immediately before the termination of the service.

(e) All rates, fees, or charges, if not paid when due, shall constitute a lien upon the premises served by the works. If any service rate, fee, or charge is not paid within 20 days after it is due, the amount thereof, together with a penalty of 10 percent and a reasonable attorney's fee, may be recovered by the board in a civil action in the name of the municipality. The lien may be foreclosed against the lot, parcel of land or building in accordance with the laws relating thereto. Where both water and sewer services are furnished by any municipality to any premises, the schedule of charges may be billed as a single amount or individually itemized and billed for the aggregate thereof."

The bill was then ordered to third reading.

Com. Sub. for S. B. 754, Allowing car dealerships to utilize search engines to determine if buyers have valid motor vehicle insurance; on second reading, coming up in regular order, was read a second time and ordered to third reading,

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

On motion of Delegate Sheedy, the bill was amended on page 2, section 12o, line 30 by striking the word "curator" and inserting in lieu thereof the following: "Secretary".

And,

On page 4, section 23h, line 30 by striking out the word "curator" and inserting in lieu thereof the following: "Secretary".

On motion of Delegate Foster, the bill was amended on page 1, section 12o, line 6, following the word "façade" and the period by adding, "No applicant may qualify for this tax credit if, when the applicant begins to claim the credit and throughout the time period within which the credit is claimed, the taxpayer is in arrears in the payment of any tax administered by the Tax Division, or the taxpayer is delinquent in the payment of any local or municipal tax; or the taxpayer is delinquent in the payment of property taxes on the property containing the façade being replaced

when the applicant begins to claim the credit and throughout the time period within which the credit is claimed.”; and

On page 2, section 12o, line 34, following the word “credit” and the period, by adding “The rules must also provide for what information must accompany any claim for the tax credit for the determination that the taxpayer is not in arrears in the payment of any tax administered by the Tax Division, is not delinquent in the payment of any local or municipal tax, nor is the taxpayer delinquent in the payment of property taxes on the property containing the façade being replaced.”; and

On page 3, section 23h, line 6, following the word “façade” and the period by adding “No applicant may qualify for this tax credit if, when the applicant begins to claim the credit and throughout the time period within which the credit is claimed, the taxpayer is in arrears in the payment of any tax administered by the Tax Division, or the taxpayer is delinquent in the payment of any local or municipal tax; or the taxpayer is delinquent in the payment of property taxes on the property containing the façade being replaced when the applicant begins to claim the credit and throughout the time period within which the credit is claimed.”; and

On page 4, section 23h, line 34, following the word “credit” and the period, by adding “The rules must also provide for what information must accompany any claim for the tax credit for the determination that the taxpayer is not in arrears in the payment of any tax administered by the Tax Division, is not delinquent in the payment of any local or municipal tax, nor is the taxpayer delinquent in the payment of property taxes on the property containing the façade being replaced.”

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

Rev. Com. Sub. for H. B. 4621, Relating to the Division of Corrections and Rehabilitation posting booking photographs of an accused person; 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. 4667, Prohibiting syringe services programs from distributing listed smoking devices; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

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

At the request of Delegate Householder, and by unanimous consent, the bill was advanced to third reading with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that 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 second reading, coming up in regular order, was read a second time.

An amendment was recommended by the Committee on Government Organization, on page, section 13, line 54, after the period, by inserting the words "Credit card payments shall be accepted at toll booths in lieu of a cash payment, with no additional fees related to processing."

The bill was then ordered to engrossment and third reading.

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

On motion of Delegate Summers, the bill was amended on page 3, line 54, by inserting a new subsection (c) to read as follows: "(c) One year following implementation, the Public Employees Insurance Agency shall report to the Joint Committee of Government and Finance the cost of this change.";

And,

On page 5, line 49, by striking the words, "The Public Employees Insurance Agency" and inserting in lieu thereof, "The Bureau of Medical Services";

And,

On page 6, line 54, by inserting a new subsection (c) to read as follows: "(c) One year following implementation, the Bureau of Medical Services shall report to the Joint Committee of Government and Finance the cost of this change."

Delegate Garcia moved to amend the bill on page one, following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof, the following:

"CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL; BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES, COMMISSIONS, OFFICES, PROGRAMS, ETC.

ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.

§5-16-7h. Biomarker testing.

(a) As used in this section:

(1) 'Biomarker': means a characteristic that is objectively measured and evaluated as an indicator of normal biologic processes, pathogenic processes, or pharmacologic responses to a specific therapeutic intervention, including known gene-drug interactions for medications being considered for use or already being administered; and includes but is not limited to gene mutations, characteristics of genes and protein expression;

(2) 'Biomarker testing': means the analysis of a patient's tissue, blood, or other biospecimen for the presence of a biomarker; and includes but is not limited to single-analyte tests, multiplex

panel tests, protein expression, and whole exome, whole genome, and whole transcriptome sequencing;

(3) 'Precision diagnosis' means the use of biomarker testing to confirm a suspected disease or condition or after a covered individual has received a medical diagnosis of a disease or condition for which biomarker testing is appropriate.

(4) 'FDA' means the United States Food and Drug Administration; and

(5) 'Nationally recognized clinical practice guidelines' means evidence-based clinical practice guidelines that:

(A) Are developed by an independent organization or medical professional society utilizing a transparent methodology and reporting structure with a conflict of interest policy and include recommendations intended to optimize care;

(B) Establish standards of care informed by:

(i) A systematic review of evidence; and

(ii) An assessment of the benefits and risks of alternative care options.

(b) (1) The Public Employees Insurance Agency shall provide coverage for biomarker testing for the purposes of precision diagnosis, treatment, appropriate management, or ongoing monitoring of a covered person's disease or condition when supported by medical and scientific evidence, including, but not limited to:

(A) Labeled indications for a test approved or cleared by the federal food and drug administration;

(B) Indicated tests for a food and drug administration approved drug;

(C) Warnings and precautions on FDA-approved drug labels;

(D) Centers for Medicare and Medicaid Services national coverage determinations and Medicare administrative contractor local coverage determinations; or

(E) Nationally recognized clinical practice guidelines such as, but not limited to, those of the national comprehensive cancer network or the American society of clinical oncology

(2) The coverage shall be provided in a manner that shall limit disruptions in care including the need for multiple biopsies or biospecimen samples.

(3) The covered person and prescribing practitioner shall have access to a clear, readily accessible, and convenient process to request an exception to a coverage policy provided pursuant to the provisions of this section. The process shall be made readily accessible on the website of the insurer.

CHAPTER 9. HUMAN SERVICES.

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-34. Biomarker testing.

(a) As used in this section:

(1) 'Biomarker': means a characteristic that is objectively measured and evaluated as an indicator of normal biologic processes, pathogenic processes, or pharmacologic responses to a specific therapeutic intervention, including known gene-drug interactions for medications being considered for use or already being administered; and includes but is not limited to gene mutations, characteristics of genes and protein expression;

(2) 'Biomarker testing': means the analysis of a patient's tissue, blood, or other biospecimen for the presence of a biomarker; and includes but is not limited to single-analyte tests, multiplex panel tests, protein expression, and whole exome, whole genome, and whole transcriptome sequencing;

(3) 'Precision diagnosis' means the use of biomarker testing to confirm a suspected disease or condition or after a covered individual has received a medical diagnosis of a disease or condition for which biomarker testing is appropriate.

(4) 'FDA' means the United States Food and Drug Administration; and

(5) 'Nationally recognized clinical practice guidelines' means evidence-based clinical practice guidelines that:

(A) Are developed by an independent organization or medical professional society utilizing a transparent methodology and reporting structure with a conflict of interest policy and include recommendations intended to optimize care;

(B) Establish standards of care informed by:

(i) A systematic review of evidence; and

(ii) An assessment of the benefits and risks of alternative care options.

(b) (1) The Bureau for Medical Services shall provide coverage for biomarker testing for the purposes of precision diagnosis, treatment, appropriate management, or ongoing monitoring of a covered person's disease or condition when supported by medical and scientific evidence, including, but not limited to:

(A) Labeled indications for a test approved or cleared by the federal food and drug administration;

(B) indicated tests for a food and drug administration approved drug;

(C) Warnings and precautions on FDA-approved drug labels;

(D) Centers for Medicare and Medicaid Services national coverage determinations and Medicare administrative contractor local coverage determinations; or

(E) Nationally recognized clinical practice guidelines such as, but not limited to, those of the national comprehensive cancer network or the American society of clinical oncology.

(2) Nothing in this section shall require coverage of biomarker testing for the purpose of screening an individual prior to initiating diagnostic testing or care for a disease or condition for which biomarker testing is appropriate.

(3) The coverage shall be provided in a manner that shall limit disruptions in care including the need for multiple biopsies or biospecimen samples.

(4) Biomarker testing may be subject to prior authorization in accordance with §33-16-3dd of this code..

(5) The covered person and prescribing practitioner shall have access to a clear, readily accessible, and convenient process to request an exception to a coverage policy provided pursuant to the provisions of this section. The process shall be made readily accessible on the website of the insurer.

(6) Biomarker testing shall be covered subject to the availability of federal matching funds.

CHAPTER 33. INSURANCE.

ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.

§33-15-4x. Biomarker testing.

(a) As used in this section:

(1) 'Biomarker': means a characteristic that is objectively measured and evaluated as an indicator of normal biologic processes, pathogenic processes, or pharmacologic responses to a specific therapeutic intervention, including known gene-drug interactions for medications being considered for use or already being administered; and includes but is not limited to gene mutations, characteristics of genes and protein expression;

(2) 'Biomarker testing': means the analysis of a patient's tissue, blood, or other biospecimen for the presence of a biomarker; and includes but is not limited to single-analyte tests, multiplex panel tests, protein expression, and whole exome, whole genome, and whole transcriptome sequencing;

(3) 'Precision diagnosis' means the use of biomarker testing to confirm a suspected disease or condition or after a covered individual has received a medical diagnosis of a disease or condition for which biomarker testing is appropriate.

(4) 'FDA' means the United States Food and Drug Administration; and

(5) 'Nationally recognized clinical practice guidelines' means evidence-based clinical practice guidelines that:

(A) Are developed by an independent organization or medical professional society utilizing a transparent methodology and reporting structure with a conflict of interest policy and include recommendations intended to optimize care;

(B) Establish standards of care informed by:

(i) A systematic review of evidence; and

(ii) An assessment of the benefits and risks of alternative care options.

(b) (1) The health insurers shall provide coverage for biomarker testing for the purposes of precision diagnosis, treatment, appropriate management, or ongoing monitoring of a covered person's disease or condition when supported by medical and scientific evidence, including, but not limited to:

(A) Labeled indications for a test approved or cleared by the federal food and drug administration;

(B) indicated tests for a food and drug administration approved drug;

(C) Warnings and precautions on FDA-approved drug labels;

(D) Centers for Medicare and Medicaid Services national coverage determinations and Medicare administrative contractor local coverage determinations; or

(E) Nationally recognized clinical practice guidelines such as, but not limited to, those of the national comprehensive cancer network or the American society of clinical oncology

(2) Nothing in this section shall require coverage of biomarker testing for the purpose of screening an individual prior to initiating diagnostic testing or care for a disease or condition for which biomarker testing is appropriate.

(3) The coverage shall be provided in a manner that shall limit disruptions in care including the need for multiple biopsies or biospecimen samples.

(4) Biomarker testing may be subject to prior authorization in accordance with §33-16-3dd.

(5) The covered person and prescribing practitioner shall have access to a clear, readily accessible, and convenient process to request an exception to a coverage policy provided pursuant to the provisions of this section. The process shall be made readily accessible on the website of the insurer.

ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.

§33-16-3aa. Biomarker testing.

(a) As used in this section:

(1) 'Biomarker': means a characteristic that is objectively measured and evaluated as an indicator of normal biologic processes, pathogenic processes, or pharmacologic responses to a specific therapeutic intervention, including known gene-drug interactions for medications being considered for use or already being administered; and includes but is not limited to gene mutations, characteristics of genes and protein expression;

(2) 'Biomarker testing': means the analysis of a patient's tissue, blood, or other biospecimen for the presence of a biomarker; and includes but is not limited to single-analyte tests, multiplex panel tests, protein expression, and whole exome, whole genome, and whole transcriptome sequencing;

(3) 'Precision diagnosis' means the use of biomarker testing to confirm a suspected disease or condition or after a covered individual has received a medical diagnosis of a disease or condition for which biomarker testing is appropriate. (4) 'FDA' means the United States Food and Drug Administration; and

(5) 'Nationally recognized clinical practice guidelines' means evidence-based clinical practice guidelines that:

(A) Are developed by an independent organization or medical professional society utilizing a transparent methodology and reporting structure with a conflict of interest policy and include recommendations intended to optimize care;

(B) Establish standards of care informed by:

(i) A systematic review of evidence; and

(ii) An assessment of the benefits and risks of alternative care options.

(b) (1) The health insurers shall provide coverage for biomarker testing for the purposes of precision diagnosis, treatment, appropriate management, or ongoing monitoring of a covered person's disease or condition when supported by medical and scientific evidence, including, but not limited to:

(A) Labeled indications for a test approved or cleared by the federal food and drug administration;

(B) indicated tests for a food and drug administration approved drug;

(C) Warnings and precautions on FDA-approved drug labels;

(D) Centers for Medicare and Medicaid Services national coverage determinations and Medicare administrative contractor local coverage determinations; or

(E) Nationally recognized clinical practice guidelines such as, but not limited to, those of the national comprehensive cancer network or the American society of clinical oncology, and consensus statements.

(2) Nothing in this section shall require coverage of biomarker testing for the purpose of screening an individual prior to initiating diagnostic testing or care receiving a diagnosis for a disease or condition for which biomarker testing is appropriate.

The coverage shall be provided in a manner that shall limit disruptions in care including the need for multiple biopsies or biospecimen samples.

(3) The covered person and prescribing practitioner shall have access to a clear, readily accessible, and convenient process to request an exception to a coverage policy provided pursuant to the provisions of this section. The process shall be made readily accessible on the website of the insurer.

ARTICLE 24. HOSPITAL SERVICE CORPORATIONS, MEDICAL SERVICE CORPORATIONS, DENTAL SERVICE CORPORATIONS, AND HEALTH SERVICE CORPORATIONS.

§33-24-7y. Biomarker testing.

(a) As used in this section:

(1) 'Biomarker': means a characteristic that is objectively measured and evaluated as an indicator of normal biologic processes, pathogenic processes, or pharmacologic responses to a specific therapeutic intervention, including known gene-drug interactions for medications being considered for use or already being administered; and includes but is not limited to gene mutations, characteristics of genes and protein expression;

(2) 'Biomarker testing': means the analysis of a patient's tissue, blood, or other biospecimen for the presence of a biomarker; and includes but is not limited to single-analyte tests, multiplex panel tests, protein expression, and whole exome, whole genome, and whole transcriptome sequencing;

(3) 'Precision diagnosis' means the use of biomarker testing to confirm a suspected disease or condition or after a covered individual has received a medical diagnosis of a disease or condition for which biomarker testing is appropriate.

(4) 'FDA' means the United States Food and Drug Administration; and

(5) 'Nationally recognized clinical practice guidelines' means evidence-based clinical practice guidelines that:

(A) Are developed by an independent organization or medical professional society utilizing a transparent methodology and reporting structure with a conflict of interest policy and include recommendations intended to optimize care;

(B) Establish standards of care informed by:

(i) A systematic review of evidence; and

(ii) An assessment of the benefits and risks of alternative care options.

(b) (1) The health insurers shall provide coverage for biomarker testing for the purposes of precision diagnosis, treatment, appropriate management, or ongoing monitoring of a covered person's disease or condition when supported by medical and scientific evidence, including, but not limited to:

(A) Labeled indications for a test approved or cleared by the federal food and drug administration;

(B) indicated tests for a food and drug administration approved drug;

(C) Warnings and precautions on FDA-approved drug labels;

(D) Centers for Medicare and Medicaid Services national coverage determinations and Medicare administrative contractor local coverage determinations; or

(E) Nationally recognized clinical practice guidelines such as, but not limited to, those of the national comprehensive cancer network or the American society of clinical oncology.

(2) Nothing in this section shall require coverage of biomarker testing for the purpose of screening an individual prior to initiating diagnostic testing or care for a disease or condition for which biomarker testing is appropriate.

(3) The coverage shall be provided in a manner that shall limit disruptions in care including the need for multiple biopsies or biospecimen samples.

(4) Biomarker testing may be subject to prior authorization in accordance with §33-16-3dd.

(5) The covered person and prescribing practitioner shall have access to a clear, readily accessible, and convenient process to request an exception to a coverage policy provided pursuant to the provisions of this section. The process shall be made readily accessible on the website of the insurer.

ARTICLE 25. HEALTH CARE CORPORATIONS.

§33-25-8v. Biomarker testing.

(a) As used in this section:

(1) 'Biomarker': means a characteristic that is objectively measured and evaluated as an indicator of normal biologic processes, pathogenic processes, or pharmacologic responses to a specific therapeutic intervention, including known gene-drug interactions for medications being considered for use or already being administered; and includes but is not limited to gene mutations, characteristics of genes and protein expression;

(2) 'Biomarker testing': means the analysis of a patient's tissue, blood, or other biospecimen for the presence of a biomarker; and includes but is not limited to single-analyte tests, multiplex panel tests, protein expression, and whole exome, whole genome, and whole transcriptome sequencing;

(3) 'Precision diagnosis' means the use of biomarker testing to confirm a suspected disease or condition or after a covered individual has received a medical diagnosis of a disease or condition for which biomarker testing is appropriate.

(4) 'FDA' means the United States Food and Drug Administration; and

(5) 'Nationally recognized clinical practice guidelines' means evidence-based clinical practice guidelines that:

(A) Are developed by an independent organization or medical professional society utilizing a transparent methodology and reporting structure with a conflict of interest policy and include recommendations intended to optimize care;

(B) Establish standards of care informed by:

(i) A systematic review of evidence; and

(ii) An assessment of the benefits and risks of alternative care options.

(b) (1) The health insurers shall provide coverage for biomarker testing for the purposes of precision diagnosis, treatment, appropriate management, or ongoing monitoring of a covered

person's disease or condition when supported by medical and scientific evidence, including, but not limited to:

(A) Labeled indications for a test approved or cleared by the federal food and drug administration;

(B) indicated tests for a food and drug administration approved drug;

(C) Warnings and precautions on FDA-approved drug labels;

(D) Centers for Medicare and Medicaid Services national coverage determinations and Medicare administrative contractor local coverage determinations; or

(E) Nationally recognized clinical practice guidelines such as, but not limited to, those of the national comprehensive cancer network or the American society of clinical oncology.

(2) Nothing in this section shall require coverage of biomarker testing for the purpose of screening an individual prior to initiating diagnostic testing or care for a disease or condition for which biomarker testing is appropriate.

(3) The coverage shall be provided in a manner that shall limit disruptions in care including the need for multiple biopsies or biospecimen samples.

(4) Biomarker testing may be subject to prior authorization in accordance with §33-16-3dd.

(5) The covered person and prescribing practitioner shall have access to a clear, readily accessible, and convenient process to request an exception to a coverage policy provided pursuant to the provisions of this section. The process shall be made readily accessible on the website of the insurer.

ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.

§33-25A-8Y. BIOMARKER TESTING.

(a) As used in this section:

(1) 'Biomarker': means a characteristic that is objectively measured and evaluated as an indicator of normal biologic processes, pathogenic processes, or pharmacologic responses to a specific therapeutic intervention, including known gene-drug interactions for medications being considered for use or already being administered; and includes but is not limited to gene mutations, characteristics of genes and protein expression;

(2) 'Biomarker testing': means the analysis of a patient's tissue, blood, or other biospecimen for the presence of a biomarker; and includes but is not limited to single-analyte tests, multiplex panel tests, protein expression, and whole exome, whole genome, and whole transcriptome sequencing;

(3) 'Precision diagnosis' means the use of biomarker testing to confirm a suspected disease or condition or after a covered individual has received a medical diagnosis of a disease or condition for which biomarker testing is appropriate.

(4) 'FDA' means the United States Food and Drug Administration; and

(5) 'Nationally recognized clinical practice guidelines' means evidence-based clinical practice guidelines that:

(A) Are developed by an independent organization or medical professional society utilizing a transparent methodology and reporting structure with a conflict of interest policy and include recommendations intended to optimize care;

(B) Establish standards of care informed by:

(i) A systematic review of evidence; and

(ii) An assessment of the benefits and risks of alternative care options.

(b) (1) The health insurers shall provide coverage for biomarker testing for the purposes of precision diagnosis, treatment, appropriate management, or ongoing monitoring of a covered person's disease or condition when supported by medical and scientific evidence, including, but not limited to:

(A) Labeled indications for a test approved or cleared by the federal food and drug administration;

(B) indicated tests for a food and drug administration approved drug;

(C) Warnings and precautions on FDA-approved drug labels;

(D) Centers for Medicare and Medicaid Services national coverage determinations and Medicare administrative contractor local coverage determinations; or

(E) Nationally recognized clinical practice guidelines such as, but not limited to, those of the national comprehensive cancer network or the American society of clinical oncology.

(2) Nothing in this section shall require coverage of biomarker testing for the purpose of screening an individual prior to initiating diagnostic testing or care for a disease or condition for which biomarker testing is appropriate.

(3) The coverage shall be provided in a manner that shall limit disruptions in care including the need for multiple biopsies or biospecimen samples.

(4) Biomarker testing may be subject to prior authorization in accordance with §33-16-3dd of this code.

(5) The covered person and prescribing practitioner shall have access to a clear, readily accessible, and convenient process to request an exception to a coverage policy provided pursuant to the provisions of this section. The process shall be made readily accessible on the website of the insurer."

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. 303**), and there were—yeas 22, nays 71, absent and not voting 7, with the yeas and the absent and not voting being as follows:

Yeas: Akers, Cannon, Fluharty, Foggin, Garcia, Griffith, Hamilton, Hansen, Holstein, Hornbuckle, Kirby, Nestor, Petitto, E. Pritt, Pushkin, Ridenour, Rowe, Stephens, Vance, Williams, Winzenreid and Young.

Absent and Not Voting: Bridges, Hardy, Kelly, Kump, Lewis, Phillips and Steele.

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. 4829, Relating to employment of service personnel and removing the requirement for a high school diploma or general education development certificate; 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. 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 second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4952, Relating to time frame of service of notice; 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. 4963, Prohibiting the use of deep fake technology to influence an election; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 5025, To repeal the additional one and one-half percent interest rate for underpayments and specify an effective date; 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. 5062, Relating to allowing a guardian ad litem to request the appointment of a court appointed special advocate; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 5130, Relating to criminal trespass; 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. 5134, Deceased Disabled Veteran Real Property Exemption for Widowed Spouses; 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. 5151, Relating to defining term fictive kin; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

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

An amendment offered by Delegate Crouse was reported by the Clerk.

Whereupon,

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

An amendment offered by Delegate Worrell was reported by the Clerk.

Whereupon,

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

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

"CHAPTER 18. EDUCATION.

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-7G. YOUTH APPRENTICESHIP PROGRAM.

(a) In addition to any other registered apprenticeship programs, there is herein created the 'Youth Apprenticeship Program,' which shall allow for any public, private or home school student in the eleventh or twelfth grade, or are 16 years or older, the opportunity to enroll in apprenticeship programs.

(b) For the purposes of this section, 'apprenticeship program' shall have the same meaning as defined in §21-1E-2 of this code.

(c) Any student participating in the program may receive secondary credit or other credentialing for the apprenticeship when the apprenticeship is approved by the local county board of education and in keeping with the rules of the Division of Labor (hereinafter 'the division.')

(d) The West Virginia Department of Education (hereinafter 'the department') is responsible for establishing the Youth Apprenticeship Program, including setting standards, providing guidelines for county boards of education to approve local enterprise and granting release time from public schools to participate in the program.

(1) The Youth Apprenticeship Program shall include a broad range of skills, including those specifically focused on manufacturing, engineering technology, administration and office technology, and health care.

(2) The county boards of education shall develop materials in conjunction with industry to promote awareness of apprenticeship for students and to encourage recruitment.

(3) The program shall create a structural linkage between secondary and postsecondary components of the program leading to the school awarding a high school diploma and postsecondary certification of occupational skills to the student.

(e) The department shall develop pilot projects for the 2024-2025 school year and shall implement and direct a comprehensive apprenticeship program for all school systems by the beginning of the 2025-2026 school year.

(f) Each apprenticeship shall meet the department's criteria which shall include, but is not limited to:

(1) A detailed training plan between the employer and the apprentice that identifies specific work tasks that will develop workplace competency;

(2) A minimum of 135 classroom hours of related academic instruction and training;

(3) A minimum of 400 hours of on-the-job training;

(4) A progressive wage schedule established by the participating employer;

(5) On-site evaluation of the student's performance;

(6) Training remediation as necessary at the school site.

CHAPTER 21. LABOR

ARTICLE 1E. CAREER TRAINING EDUCATION AND APPRENTICESHIPS

§21-1E-2. Definitions. As used in this article and the legislative rules promulgated pursuant to this article:

(a) 'Apprentice' means someone who is enrolled in an apprenticeship program.

(b) 'Apprenticeship program' means a program offered by an employer to provide supervised on-the-job training to employees approved by the United States Department of Labor.

(c) 'Employer sponsored training program' means a program approved in accordance with a rule promulgated pursuant to authority established in §21-1E-4 of this code.

(d) 'License' means a valid and current certification or license issued by the Commissioner of Labor in accordance with the provisions of this article.

(e) 'Career technical education' means programs of study, clusters, and pathways approved by the West Virginia Board of Education pursuant to state board policy.

(f) 'Youth Apprenticeship Program' means the program created in §18-2-7g of this code.

§21-1E-3. Recognition of training and apprenticeships.

Beginning July 1, 2019, applicants for certification or licensure shall be permitted to apply training hours earned via career technical education provided by West Virginia public schools or an apprenticeship program or employer-sponsored training program towards the requirements for certification and/or licensure in the same occupation in accordance with the standards and procedures authorized in accordance with this article. The training hours accumulated by a student's participation in the 'Youth Apprenticeship Program' created in §18-2-7g of this code shall count towards the student's certifications or licensures, if appropriate.

ARTICLE 6. CHILD LABOR.

§21-6-2. Employment of children under eighteen in certain occupations; determination as to other occupations; appeal to supreme court.

(a) Except as otherwise authorized under the 'Youth Apprenticeship Program' established in §18-2-7g of this code, A child under 18 years of age may not be employed, permitted, or suffered to work in, about, or in connection with any of the following occupations:

(1) Motor vehicle driver and outside helper whose work includes riding on a motor vehicle outside the cab for the purpose of assisting in transporting or delivery of goods;

(2) The manufacture, storage, handling or transportation of explosives or highly flammable substances;

(3) Ore reduction works, smelters, hot rolling mills, furnaces, foundries, forging shops, or in any other place in which the heating, melting or heat treatment of metals is carried on;

(4) Logging and saw milling occupations;

(5) Power-driven woodworking machine occupations;

(6) Occupations involving exposure to radioactive substances and ionizing radiations;

(7) Power-driven hoisting apparatus occupations;

(8) Power-driven metal-forming, punching, and shearing machine occupations;

(9) Mining, including coal mining;

(10) Occupations involving slaughtering, meat-packing, or processing or rendering;

(11) Power-driven bakery machines;

(12) Power-driven paper-products machine occupations;

(13) Occupations involved in the manufacturing of brick, tile, and kindred products;

(14) Occupations involved in the operation of power-driven circular saws, band saws, and guillotine shears;

(15) Occupations involved in wrecking, demolition, and ship-breaking operations;

(16) Roofing operations above ground level; and

(17) Excavation operations.

(b) A child under 18 years of age may not be employed or permitted to work in a bar, or be permitted, employed, or suffered to sell, dispense, or serve alcoholic beverages in any place or establishment where the consumption of alcoholic beverages is permitted by law.

(c) A child under 18 years of age may not be employed or permitted to work in any occupation prohibited by law or determined by the commissioner to be dangerous or injurious: *Provided*, That a child between the ages of 16 and 18 years who is enrolled in, participating in, or has completed

the minimum training requirements of the West Virginia State Fire Commission, West Virginia Department of Education Public Service Training, or West Virginia University fire service extension, or equivalent approved program, and who has the written consent of his or her parents or guardian may be employed by or elected as a member of a volunteer fire department to perform firefighting functions: *Provided, however,* That no child may be permitted to operate any fire fighting vehicles, enter a burning building in the course of his or her employment or work or enter into any area determined by the fire chief or fireman in charge at the scene of a fire or other emergency to be an area of danger exposing the child to physical harm by reason of impending collapse of a building or explosion, unless the child is under the immediate supervision of a fire line officer.

(d) This article shall comply with the Child Labor Provisions of the Fair Labor Standards Act."

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

H. B. 5237, Prohibiting driving slow in left lane except under certain circumstances; on second reading, coming up in regular order, was read a second time.

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

H. B. 5280, West Virginia Short Line Railroad Modernization Act; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Householder, and by unanimous consent, the bill was advanced to third reading with 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. 5355, Allowing volunteer fire departments to use fire protection funding for certain purchases; 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. 5399, To modify the state auditing practices of the volunteer and part-volunteer fire departments; 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. 5425, Relating to clarifying the amount of experience required in the hiring of professional education personnel; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third 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 second reading, coming up in regular order, was read a second time and ordered to engrossment and third 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 second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

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

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

H. B. 5565, Relating to requiring the Division of Motor Vehicles to provide an identification card for eligible released inmates; 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. 5572, Prohibiting cameras and recording devices in bedrooms and bathrooms of foster children; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

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

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

On motion of Delegate W. Clark, the bill was amended on page 4, subsection 6, line 84, by adding the following after the word "requirements":

"Public charter school teachers shall be permitted to proctor state assessments in the event they are not certified or licensed."

The bill was then ordered to engrossment and third reading.

At 2:04 p.m., on motion of Delegate Householder, the House of Delegates recessed until 4:00 p.m.

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Afternoon Session

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

Special Calendar

-continued-

First Reading

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

Com. Sub. for 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. 5194, Requiring purchases of certain commodities and services from state use program partners,

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 Educational Software 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. 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,

And,

Com. Sub. for H. B. 5685, Relating to Medicaid Cost Containment.

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

Committee Reports

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

Your Committee on Political Subdivisions has had under consideration:

S. B. 149, Relating to municipalities required to be represented on county authority boards,

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

In accordance with the former direction of the Speaker, the bill (S. B. 149) was referred to the Committee on Government Organization.

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

Your Committee on Government Organization has had under consideration:

S. B. 240, Increasing fees charged by sheriff,

And,

S. B. 752, Authorizing Department of Agriculture to complete certain land transfers,

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

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

Your Committee on Government Organization has had under consideration:

Com. Sub. for S. B. 714, Transferring duties and licensing from Board of Osteopathic Medicine to Board of Medicine,

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. 4822, Creating the Certified Sites and Development Readiness Program,

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

At the respective requests of Delegate Householder, and by unanimous consent, the bill (H. B. 4822) was taken up for immediate consideration, read a first time and ordered to second reading.

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. 4408, To allow the development of a specialized intermediate care facility for individuals with intellectual and developmental disabilities,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4408 - "A Bill to amend and reenact §16-2D-8 of the Code of West Virginia, 1931, as amended, relating to providing that if an existing intermediate care facility for individuals with intellectual or developmental disabilities voluntarily or involuntarily closes or reduces bed capacity for six continuous months, the certificate of need shall cease and the beds for the facility shall revert to the authority to be redistributed in the same geographic location to a certain other providers; and removing obsolete provisions,"

With the recommendation that the committee substitute do pass.

At the respective requests of Delegate Householder, and by unanimous consent, the bill (Com. Sub. for H. B. 4408) was taken up for immediate consideration, read a first time and ordered to second reading.

Messages from the Senate

A message from the Senate, by

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

H. B. 5268, Relating to the enhanced recovery of oil and natural gas in horizontal wells.

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. 188 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2P-1, §5B-2P-2, §5B-2P-3, §5B-2P-4, §5B-2P-5, §5B-2P-6, §5B-2P-7, §5B-2P-8, §5B-2P-9, §5B-2P-10, §5B-2P-11, §5B-2P-12, and §5B-2P-13, all relating to creating the Mountain Homes Act; setting out a short title; setting out legislative findings; defining terms; authorizing rulemaking; providing an effective date; providing for a sunset date; creating the Mountain Homes Fund; providing for the purposes of the fund; providing for administration of the fund; providing for recordkeeping; requiring reporting to the Joint Committee on Government and Finance and the Governor; setting out required elements for the report; exempting certain materials from the Freedom of Information Act; establishing criteria for eligibility for use of funds; requiring an application for use of funds; setting out elements necessary to be included on the application; providing for exclusions from use of funds; providing for application approval; establishing evaluation standards and criteria; providing for a final agreement; setting out terms of the agreement; allowing for an extension of time; requiring adjacent properties to be subject to additional approval; providing for administration of the act; setting out powers and duties of the Economic Development Authority; and providing for a criminal penalty for a false statement"; 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

Com. Sub. for S. B. 225 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-3-21, relating to establishing the revocation of authority for spending by an agency in support of a challenge to West Virginia law; and providing for exceptions"; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2024, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 306 - "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, §19-39-3, §19-39-4, §19-39-5, §19-39-6, §19-39-7, §19-39-8, and §19-39-9, all relating to creating the Equipment Right to Repair Act; creating a short title; defining terms; establishing jurisdiction of the Commissioner of Agriculture; establishing requirements; establishing limitations; providing for rulemaking; establishing violations; imposing civil penalties; authorizing civil actions, penalties, and injunctive relief; and providing for applicability and effective date of article"; 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 January 1, 2025, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 348 - "A Bill to amend and reenact §3-8-1a, §3-8-2b, and §3-8-7 of the Code of West Virginia, 1931, as amended, all relating to regulation and control of elections; updating the definition of "electioneering communication"; disclosure of electioneering communication; failure to file statement; delinquent or incomplete filing; criminal and civil penalties"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 452 - "A Bill to amend and reenact §31-15A-8 of the Code of West Virginia, 1931, as amended, relating to designating certain water and wastewater facilities as an emergency project; and modifying the requirements to the designation"; 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

Com. Sub. for S. B. 493 - "A Bill to amend and reenact §17A-6-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §19-2C-5b of said code; to amend and reenact §19-23-8 of said code; to amend and reenact §21-1-6 of said code; to amend and reenact §21-5-5c of said code; to amend and reenact §21-14-6 of said code; to amend and reenact §21-16-7 of said code; to amend and reenact §29-3B-4 of said code; to amend and reenact §29-3C-4 of said code; to amend and reenact §29-3D-6 of said code; to amend and reenact §30-1-24 of said code; to amend and reenact §30-5-9 and §30-5-11a of said code; to amend and reenact §30-6-8 and §30-6-17 of said code; to amend and reenact §30-20-8a of said code; to amend and reenact §30-32-10a of said code; to amend and reenact §30-36-10 of said code; to amend and reenact §31-17A-5 of said code; to amend and reenact §32A-2-8 of said code; and to amend and reenact §33-13C-3 and §33-13C-4 of said code, all relating generally to the use of criminal records as disqualification from initial licensure or other authorization to practice a profession or occupation; prohibiting licensing authorities from disqualifying an applicant from initial licensure because of a prior criminal conviction that remains unreversed unless that conviction is for a crime that directly and specifically relates to the activity requiring licensure such that granting the applicant licensure would pose a direct and substantial risk to the public because the applicant has not been rehabilitated; providing factors for a licensing authority to determine whether a criminal conviction directly and specifically relates to a profession or occupation; clarifying that a licensing authority may not disqualify an applicant from initial licensure because of a prior criminal conviction if certain criteria are met; prohibiting consideration of good moral character or crimes of moral turpitude as a basis for disqualifying applicant for initial licensure; authorizing an individual with a criminal record who has not previously held a license from the licensing authority to petition the authority for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license; clarifying that these requirements do not apply to discipline of licensees or reinstatement of a license following discipline; prohibiting a licensing authority from considering, or from requiring, an individual to disclose an arrest not followed by conviction in an application for initial licensure or determination of qualification for license; and requiring licensing authorities to update licensure forms, relevant public-facing documents, and website"; which was referred to the Committee on Government Organization then the Judiciary.

A message from the Senate, by

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

S. B. 650 - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Higher Education Policy Commission, Fairmont State University, fund 0360, fiscal year 2024, organization 0484, by supplementing and amending the

appropriations for the fiscal year ending June 30, 2024"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 653 - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the State Department of Education, State Board of Education – School Building Authority, fund 0318, fiscal year 2024, organization 0404, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 657 - "A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2024, in the amount of \$71,000,000 from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund"; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 742 - "A Bill to amend and reenact §5-10-20 of the Code of West Virginia, 1931, as amended, authorizing elected sheriffs who become members of the public retirement system by virtue of being elected sheriff of a county to retire upon attaining the age of 62 with eight or more years of service"; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2024, and requested the concurrence of the House of Delegates in the passage, of

S. B. 760 - "A Bill to amend and reenact §5-10-2, §5-10-14, and §5-10-17 of the Code of West Virginia, 1931, as amended, all relating generally to legislative employment and retirement; and modifying the length of service an employee of the Legislature whose term of employment is otherwise classified as temporary, and who is employed to perform services required by the Legislature for its regular sessions, must serve to obtain service credit towards retirement"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 782 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §8A-13-1, §8A-13-2, §8A-13-3, and §8A-13-4, all relating to local permitting deadlines and extensions for applications for a permit, license, variance, or any other type of prior approval from a governing body or planning commission of a municipality or county

for an action related to the development or improvement of property"; which was referred to the Committee on Economic Development and Tourism.

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. 824 - "A Bill to amend and reenact §5B-2-17 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Motorsport Committee; expanding the membership from five to 17 members including the chairperson; and designating the motorsport that shall be represented by the increased membership"; 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. 827 - "A Bill to amend and reenact §17-23-2 and §17-23-4 of the Code of West Virginia, 1931, as amended, relating generally to salvage yards; providing definition for regional distribution and dismantling center; and providing for specialized regional distribution and dismantling license in certain circumstances"; which was referred to the Committee on Energy and Manufacturing.

A message from the Senate, by

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

S. B. 864 - "A Bill to amend and reenact §12-4-14 of the Code of West Virginia, 1931, as amended, all related to the Grant Transparency and Accountability Act; clarifying what grants are subject to reporting requirements; defining terms; and making technical clarifications"; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules as follows:

Com. Sub. for S. C. R. 30 - "Honoring Hershel "Woody" Williams as one of two West Virginia statues in the National Statuary Hall Collection.

Leaves of Absence

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

Miscellaneous Business

Delegate Petitto asked and obtained unanimous consent to be added as a cosponsor of Com. Sub. for H. B. 4621, H. B. 5565 and Com. Sub. for H. B. 5358.

Pursuant to House Rule 84, Delegate McGeehan moved that a public hearing be authorized for S. B. 714 to be held tomorrow at 4:30 p.m. to 5:30 p.m. in the Government Organization Committee room.

On this motion, the yeas and nays were taken (**Roll No. 304**), and there were—yeas 86, nays 5, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Foster, Hillenbrand, Tully and Worrell.

Absent and Not Voting: Foggins, Griffith, Hardy, Howell, Kump, Lewis, Ross, Steele and Westfall.

So, the Speaker declared the motion adopted.

Delegate Horst asked and obtained unanimous consent to be added as a cosponsor of Com. Sub. for H. B. 5297 and H. B. 5639.

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

H. B. 4919: Delegates Dittman, Hornbuckle, Horst, Hott, Horst, Maynor, Mazzocchi and Toney;

H. B. 4305: Delegates Dittman and Toney;

H. B. 5639: Delegate Riley;

H. B. 5697: Delegate W. Clark;

And,

H. C. R. 77: Delegate Tully.

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

H. B. 5236: Delegate Steele.

At 4:53 p.m., the House of Delegates adjourned until 9:30 a.m., Tuesday, February 27, 2024.

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

SPECIAL CALENDAR

Tuesday, February 27, 2024

49th Day

9:30 A.M.

UNFINISHED BUSINESS

- Com. Sub. for S. C. R. 4 - US Army 2LT Eston Kuhn Memorial Bridge
- S. C. R. 21 - US Army MSG James E. Jackson Jr. Memorial Road
- Com. Sub. for S. C. R 22 - USMC Major Cornelius Burdette Memorial Road
- S. C. R. 23 - US Navy LT Lewis Joseph D'Antoni Memorial Road
- S. C. R. 25 - US Army SGT Wyatt K. Hinton Memorial Bridge
- Com. Sub. for S. C. R. 26 - US Army Private Clarence William "Buck" Holliday Memorial Road

THIRD 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 [Right to Amend]

- 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 [Right to Amend]
- H. B. 5280 - West Virginia Short Line Railroad Modernization Act [Right to Amend]
- 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

SECOND READING

- Com. Sub. for S. B. 331 - Eliminating cap on maximum amount of money in county's financial stabilization fund
- Com. Sub. for S. B. 603 - Solid Waste Management Act
- S. B. 712 - Reducing minimum age for State Police cadet
- 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. 4408 - To allow the development of a specialized intermediate care facility for individuals with intellectual and developmental disabilities
- 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

- H. B. 4721 - Require Surveyors to offer to record surveys of property
- Com. Sub. for H. B. 4722 - Create a credit against the severance tax to encourage private companies to make infrastructure improvements to highways, roads and bridges in this state
- 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
- H. B. 4822 - Creating the Certified Sites and Development Readiness Program
- 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. 5192 - Relating to requiring the Board of Pharmacy to promulgate a rules
- H. B. 5194 - Requiring purchases of certain commodities and services from state use program partners
- 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 Educational Software 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. 5331 - Relating to boating safety education certificate

Com. Sub. for H. B. 5338 - Relating to Safe Harbor for Cybersecurity Programs

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. 5351 - To amend the definition of commercial solid waste facility

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. 5379 - Relating to financial assistance available for a prescription drug

Com. Sub. for H. B. 5405 - Providing additional professional development and support to West Virginia educators through teacher and leader induction and professional growth.

Com. Sub. for H. B. 5432 - To move the essential functions of the Information Services and Communications Division into the Office of Technology.

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

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.

H. B. 5551 - Relating to continuing education concerning domestic violence.

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. 5632 - Relating generally to West Virginia Real Estate License Act
- 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
- H. B. 5698 - Relating to the Consumer Data Protection Act

FIRST READING

- S. B. 240 - Increasing fees charged by sheriff
- Com. Sub. for S. B. 714 - Transferring duties and licensing from Board of Osteopathic Medicine to Board of Medicine
- S. B. 752 - Authorizing Department of Agriculture to complete certain land transfers

HOUSE CALENDAR

Tuesday, February 27, 2024

49th Day

9:30 A.M.

THIRD READING

- Com. Sub. for H. B. 5180 - Removing requirements to submit certain evidence on behalf of home schooled children
- Com. Sub. for H. B. 5345 - Relating to the registration requirements in the Sex Offender Registration Act.

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

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

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. 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. 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

TUESDAY, FEBRUARY 27, 2024

HOUSE CONVENES AT 9:30 A.M.

**COMMITTEE ON RULES
9:15 A.M. - BEHIND THE CHAMBER**

**COMMITTEE ON FINANCE
45 MINUTES FOLLOWING MORNING FLOOR SESSION
FINANCE COMMITTEE ROOM**

**COMMITTEE ON TECHNOLOGY AND INFRASTRUCTURE
1 HOUR FOLLOWING MORNING FLOOR SESSION
EDUCATION COMMITTEE ROOM**

**COMMITTEE ON ECONOMIC DEVELOPMENT AND TOURISM
3:00 P.M. – JUDICIARY COMMITTEE ROOM**

**PUBLIC HEARING
4:30 P.M. -- GOVERNMENT ORGANIZATION COMMITTEE ROOM
H.B. 714, TRANSFERRING DUTIES AND LICENSING
FROM BOARD OF OSTEOPATHIC MEDICINE TO BOARD OF MEDICINE.**

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