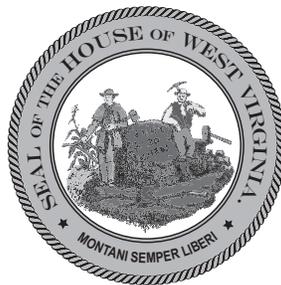


West Virginia Legislature

JOURNAL
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February 27, 2024
FORTY-NINTH DAY

Tuesday, February 27, 2024

FORTY-NINTH DAY

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

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

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

The Clerk proceeded to read the Journal of Monday, February 26, 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 S. B. 754 and H. B. 4700, on Third Reading, House Calendar, and Com. Sub. for S. B. 5351, on Second Reading, House Calendar, had been transferred to the Special Calendar; and, Com. Sub. for H. B. 5180 and Com. Sub. for H. B. 5345, on Third Reading, House Calendar, and Com. Sub. for H. B. 5137 on Second Reading, House Calendar, had been transferred to the Special Calendar.

Committee Reports

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

Your Committee on Education has had under consideration:

S. B. 529, Including Salem University in PROMISE Scholarship program,

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

In the absence of objection, reference of the bill (S. B. 529) to the Committee on Finance was abrogated.

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

Your Committee on the Judiciary has had under consideration:

S. B. 164, Relating generally to trespassing,

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

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

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 370, Updating Public Employees Grievance Board procedure that certain decisions be appealed to Intermediate Court of Appeals,

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

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

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 451, Directing Prosecuting Attorneys Institute to make training available to certain new prosecuting attorneys,

And,

Com. Sub. for S. B. 539, Creating cold case database,

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

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. 4809, Health Care Sharing Ministries Freedom to Share Act.

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

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

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. 190 - "A Bill to amend and reenact §61-8B-1, §61-8B-3, and §61-8B-5 of the Code of West Virginia, 1931, as amended, all relating to removing the definition of "marriage"; amending the definition of "sexual contact" to remove the exception where the victim is married to the actor; eliminating the marital exception to the offenses of first and third degree sexual assault; and removing duplicative language"; 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. 442 - "A Bill to amend and reenact §27-5-2 of the Code of West Virginia, 1931, as amended, relating to standards of liability for mental health professionals providing services in mental hygiene cases involving possible involuntary hospitalization; defining those standards"; 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. 568 - "A Bill to amend and reenact §18-8-2 and §18-8-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §49-4-702 of said code, all relating to student absences; amending criminal penalties imposed for failing to attend school without good cause; defining terms; requiring the State Board to implement a System of Support Plan to encourage and promote compulsory school attendance with implementation to be ensured by the county attendance director; requiring the school to make periodic meaningful contact with parents, guardians, or custodians of children who fail to attend school; removing requirement for attendance director and assistant directors to prepare a report for submission by the county superintendent to the State Superintendent of Schools on school attendance; referring to existing school personnel reporting requirement applicable in certain cases pertaining to child neglect; and making referral for the development of a diversion program in truancy offense matters discretionary"; 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

Com. Sub. for S. B. 575 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-67-1, §16-67-2, §16-67-3, §16-67-4, §16-67-5, §16-67-6, §16-67-7, §16-67-8, §16-67-9, §16-67-10, §16-67-11, §16-67-12, §16-67-13, §16-67-14, §16-67-15, §16-67-16, §16-67-17, § 16-67-18, and 16-67-19, all relating to assisted reproduction; defining terms; setting forth criteria to enter into gestational or genetic surrogacy agreement; requiring surrogacy agreement to be executed; setting forth process for agreement; setting forth content of agreement; setting forth effect of subsequent change in marital status in the agreement; setting forth exclusive and continuing jurisdiction of the court; providing for termination of the surrogacy agreement; providing for parentage as provided under the gestational surrogacy agreement; providing for inspection of documents; providing for parentage of deceased intended parent; providing for order of parentage; providing for the effect of the gestational surrogacy agreement; providing for the requirements to validate a genetic surrogacy agreement; providing for termination of a genetic surrogacy agreement; providing for parentage under a validated genetic surrogacy agreement; providing for the effect of a non-validated genetic surrogacy agreement; providing for the parentage of the child in the event of a deceased parent in a genetic surrogacy agreement; providing for breach of a genetic surrogacy agreement; and declaring that the state will honor surrogacy agreements entered into in other jurisdictions and apply the law of that jurisdiction; creating the criminal offense of commercial surrogate brokering and establishing criminal penalties"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 583 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to employer liability and damages in civil actions based upon alleged negligence in the operation of commercial motor vehicles; defining terms; establishing monetary caps; and providing exceptions to applicability to established monetary caps"; 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. 725 - "A Bill to amend and reenact §62-1C-1a and §62-1C-2 of the Code of West Virginia, 1931, as amended, all relating to pretrial release generally; clarifying right to pretrial release; clarifying maximum bail amount for charges for multiple misdemeanor offenses; defining terms; establishing that defendant has right to select method of securing bail; clarifying that personal recognizance bonds shall include an unsecured monetary amount; prohibiting magistrate from setting cash only or property only bail; authorizing judicial officer to impose reasonably necessary conditions to assure defendant will appear as required, including releasing defendant on his or her own recognizance; clarifying that a magistrate may not release a defendant charged with a felony offense on his or her own recognizance on initial appearance; providing circumstances when a bail bond is not appropriate; providing circumstances when a magistrate has discretion to set a cash only bond; and making technical corrections"; 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. 751 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-21A-101, §47-21A-102, §47-21A-103, §47-21A-104, §47-21A-105, §47-21A-106, §47-21A-107, §47-21A-108, §47-21A-109, §47-21A-110, §47-21A-111, §47-21A-112, §47-21A-113, §47-21A-114, §47-21A-115, §47-21A-116, §47-21A-117, §47-21A-118, §47-21A-119, §47-21A-120, §47-21A-121, §47-21A-122, §47-21A-123, §47-21A-124, §47-21A-125, §47-21A-126, §47-21A-127, §47-21A-128, §47-21A-129, and §47-21A-130, all relating to creating online charitable raffles"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 774 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-20-1, §20-20-2, §20-20-3, §20-20-4, §20-20-5, §20-20-6, §20-20-7, §20-20-8, and §20-20-9, all relating to creating the Mountain Bike Responsibility Act; stating a legislative purpose; defining terms; and providing for duties of trail system operators, mountain bicyclists, and passengers on aerial passenger tramways"; 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. 786 - "A Bill to amend and reenact §30-37-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-7-14, all relating to changing the date that massage therapy establishments are required to be licensed; setting a maximum license fee; authorizing the executive director of the board to issue an emergency order suspending the operations of a massage therapy establishment under certain conditions; establishing reasonable cause for inspection; setting forth requirements for emergency orders; requiring issuance of a complaint describing required compliance measures; setting forth prohibitions regarding massage establishments under an emergency order; providing penalties for certain violations; and providing for appeals"; 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. 791 - "A Bill to amend and reenact §9-4-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §9-5-34, all relating to Medicaid; modifying the membership requirements of the Medical Services Fund Advisory Council; augmenting its purpose; requiring that it employ an actuary; requiring certain actions from the Commissioner for the Bureau for Medical Services; and addressing the six-year plan to mitigate long-term financial liabilities"; which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

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

Com. Sub. for S. B. 819 - "A Bill to amend and reenact §16-1-4 and §16-1-9a of the Code of West Virginia, 1931, as amended, all relating to the regulation of public water systems; and providing that the Secretary of the Department of Health may not require public water systems or businesses that have backflow prevention assemblies to be inspected more frequently than once in 10 years"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 842 - "A Bill to amend and reenact §18-5-1a and §18-5-4 of the Code of West Virginia, 1931, as amended, all relating to county boards of education members; increasing the number of annual training hours for county board members; modifying the subjects on which county board members must be trained; authorizing the State Board to require board members to complete additional training upon request from the State Superintendent; adding ex officio members to the county board member training standards review committee; requiring the State Superintendent to make an annual report to the Legislative Oversight Commission on Education Accountability relating to county board member training; increasing compensation for attending meetings; reducing the number of meetings board members may be compensated to attend; and

prohibiting county board members from receiving compensation if training requirements are not met"; 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

Com. Sub. for S. B. 848 - "A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated, §16-1-22d, relating to creating a special revenue account within the State Treasury; placing special revenue account designated the Office of the Inspector General Reimbursement Fund within Department of Health; providing for the purpose of the account; and designating revenue sources for the account"; 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. 851 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1, §7-28-2, §7-28-3, §7-28-4, §7-28-5, §7-28-6, §7-28-7, and §7-28-8; and to amend said code by adding thereto a new article, designated §8-40-1, §8-40-2, §8-40-3, §8-40-4, §8-40-5, §8-40-6, §8-40-7, and §8-40-8 all relating to contingency fee arrangements between political subdivisions and private attorneys; defining terms, permitting contingency fee agreements in certain circumstances; exempting certain legal work performed for political subdivision; setting forth the requirements for a proposal request; providing process and factors considered for political subdivision award of contingency fee agreement to private attorney; limiting aggregate fees for contingency fee agreement; providing requirements for contingency fee agreement; providing contingency fee agreement void in certain circumstances; and providing rights, limitations, waivers, obligations, and effective dates"; 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. 859 - "A Bill to amend and reenact §18A-3-2a of the Code of West Virginia, 1931, as amended, relating to limiting persons required to pass appropriate West Virginia Board of Education approved basic skills and subject matter tests in the area for which licensure is being sought as a condition for the issuance of a professional teaching certificate"; which was referred to the Committee on Education.

A message from the Senate, by

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

S. B. 861 - "A Bill to amend and reenact §18-9A-10 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-3C-3 of said code, all relating to increasing support and professional development for educators; expanding factors used to determine how funds for supporting county-level implementation of the comprehensive systems for teacher and leader induction and professional growth are allocated to the counties; authorizing retention of additional funding for 2024 – 2025 school year by Department of Education to distribute to the county boards

for the purpose of contracting with organizations that facilitate the school districts' participation in regional professional learning cadres, or teacher leadership networks designed to support math and science improvement or supported by the Department of Education; requiring certain amount of funds be retained beginning with 2025 – 2026 school year to distribute to the county boards for the purpose of expanding the school districts' ability to contract with organizations that facilitate the school districts' participation in regional professional learning cadres, or teacher leadership networks designed to support math and science improvement or to support teachers who are less than fully certified for the teaching position in which they are employed; requiring the funds to be distributed to the county boards under a grant program to be established by the state board by rule; requiring the state board to ensure that the results on the comprehensive statewide student assessment for the students taught by each teacher are provided to that teacher; adding to topics to be addressed, the plan for implementation of a comprehensive system of support for improving professional practice; and requiring certain additional amounts paid to a teacher be only for the duration of any service provided and not be considered salary for the computation of an annuity under the Teachers Retirement System"; which was referred to the Committee on Education.

A message from the Senate, by

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

Com. Sub. for S. B. 865 - "A Bill to amend and reenact §5F-2-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-1-1 of said code, all relating to changing the designation of the Division of Culture and History as a separate independent agency to an agency within the executive branch as the Department of Arts, Culture, and History; adding the Educational Broadcasting Authority as a section under the department, as a separate, but not independent agency; adding the Educational Broadcasting Commission to the list of citizens commissions; changing references to the Curator of the Department of Arts, Culture, and History to the Secretary of the Department; adding the Educational Broadcasting Authority as one of the eight sections within the Department of Arts, Culture, and History; and adding the Educational Broadcasting Commission as a citizen commission existing within the Department of Arts, Culture, and History"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

S. B. 872 - "A Bill to amend and reenact §7-17-12 of the Code of West Virginia, 1931, as amended, relating to county fire service fees; expanding authority of county commission after receipt of resolution from county fire board; and providing for amendment of fire fee by ballot referendum upon county commission determination that amendment of fee is necessary"; 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. 873 - "A Bill to amend and reenact §11-13A-9 of the Code of West Virginia, 1931, as amended, relating to due date for certain installment payments"; which was referred to the Committee on Finance.

Resolutions Introduced

Resolutions were introduced and severally referred as follows:

By Delegates Dillon, Ross, Howell, W. Clark, DeVault, Jennings, Gearheart, Ellington, Statler, Vance and Dean:

H. C. R. 92 - "Requesting that the Joint Committee on Government and Finance engage in a study to examine the effect of the Economic Development Authority matching funds of up to \$1,000,000 per county to facilitate aid to counties responsible for Emergency Medical Services (EMS) coverage, creating plans for said coverage across the counties in question, the role of creating more roles within the medical community could have on job creation and population retention in said counties, and alternatives to ambulances when both emergency and non-emergency travel is needed to a hospital"; to the Committee on Rules.

By Delegates E. Pritt, Brooks, Kelly and Fast:

H. C. R. 93 - "Requesting That the Joint Committee on Government and Finance engage in a study to examine the lost economic impact from the moving Plum Orchard Lake to a Wildlife Management Area and to examine the potential economic gain for moving it away from Wildlife Management Area and making it a State Park"; to the Committee on Rules.

By Delegate E. Pritt:

H. C. R. 94 - "Request the Joint Committee on Government and Finance study the cost of mandating all school systems in West Virginia to stock menstrual products for female students"; to the Committee on Rules.

By Delegates E. Pritt, Brooks, Fast and Kelly:

H. C. R. 95 - "Requesting That the Joint Committee on Government and Finance engage in a study to examine the casualty numbers, including both wounded and killed persons, for car accidents caused by drivers with impaired cognition due to dementia, Alzheimer's disease, or other similar diseases. The study should also examine how other states have handled this issue and how the Division of Motor Vehicles and medical professionals could work with families in order to address their family member's ability to safely operate a motor vehicle"; to the Committee on Rules.

Motions

Delegates Pushkin, Hornbuckle and Lewis asked and obtained unanimous consent to be added as a cosponsor of H. B. 5565.

Delegate Westfall asked and obtained unanimous consent to be added as a cosponsor of Com. Sub. for H. B. 4919.

Special Calendar

Unfinished Business

At the request of Delegate Householder, and by unanimous consent, all items (Com. Sub. for S. C. R. 4, S. C. R. 21, Com. Sub. for S. C. R. 22, S. C. R. 23, S. C. R. 25 and Com. Sub. for S. C. R. 26) on Unfinished Business were postponed one day.

Third Reading

Com. Sub. for S. B. 631, Prohibiting municipalities from disconnecting water service for nonpayment of stormwater fees; 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. 305**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 631) passed.

Com. Sub. for H. B. 4507, Creating a tax credit for improving facades in historic districts; 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. 306**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Dillon and Foster.

Absent and Not Voting: Devault and Miller.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4507) 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. 4548, Relating to authorizing application of the manufacturing investment tax credit and the manufacturing property tax adjustment credit against personal income tax; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 307**), 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: McGeehan and Miller.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4548) 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. 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 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. 308**), 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: McGeehan and Ridenour.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4549) passed.

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

Rev. Com. Sub. for H. B. 4621, Relating to the Division of Corrections and Rehabilitation posting booking photographs of an accused person; 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. 309**), and there were—yeas 54, nays 46, absent and not voting none, with the nays being as follows:

Nays: Adkins, Barnhart, Bridges, Campbell, Cannon, Chiarelli, T. Clark, W. Clark, Cooper, Criss, Crouse, Dean, Dillon, Dittman, Espinosa, Ferrell, Foggin, Forsht, Gearheart, Green, Hamilton, Hardy, Heckert, Holstein, Hornby, Householder, Kirby, Lewis, Marple, Martin, Maynor, McGeehan, Moore, Phillips, Pinson, E. Pritt, Pushkin, Riley, Ross, Smith, Steele, Vance, Ward, Westfall, Willis and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Rev. Com. Sub. for H. B. 4621) passed.

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

Rev. Com. Sub. for H. B. 4621 - "A Bill to amend and reenact §62-1-5 of the Code of West Virginia, 1931, as amended, relating to criminal procedure; preliminary procedure; providing a definition for booking photograph; providing a definition for news-gathering organization; providing a definition for remove-for-pay publication or website; and when a booking photograph of an accused person may be made public or published by the West Virginia Division of Corrections and Rehabilitation and amends to provide that booking photographs are not public records; and amends to provide that law enforcement agencies and the Division of Corrections and Rehabilitation shall not be held liable for release of booking photographs; and amends to provide that a defendant is entitled to a copy of their booking photograph; and amends to provide that any booking photograph that is published, released, or disseminated before a conviction shall include a disclaimer; and amends to provide that law enforcement agencies and the Division of Corrections and Rehabilitation nor any law enforcement agency shall be held liable for good faith inadvertent release of booking photographs; and amends to require "remove for pay publications or websites" to remove a booking photograph and establishes civil liability for remove for pay publications or websites" when they do not remove; and amends that the Division of Corrections and Rehabilitation may disclose a booking photograph to appropriate law enforcement agency or prosecuting attorney's office for investigation, prevention, or prosecution of a crime, or to safeguard the orderly operation of the correctional institution; and amends that a booking photograph may also be disclosed between law enforcement agencies for investigation, public safety, prevention, or prosecution of a crime, or to safeguard the orderly operation of a correctional institution."

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. 4667, Prohibiting syringe services programs from distributing listed smoking devices; 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. 310**), and there were—yeas 88, nays 12, absent and not voting none, with the nays being as follows:

Nays: Fluharty, Garcia, Green, Hamilton, Hansen, Hornbuckle, Mallow, Marple, Pushkin, Rowe, Williams and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4667) 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. 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 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. 311**), 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: Garcia.

Absent and Not Voting: Crouse and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4744) passed.

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

H. B. 4744 - "A Bill to amend and reenact §17-16A-13 of the Code of West Virginia, 1931, as amended, requiring non-discretionary procedures; providing for certain strict and non-discretionary requirements; limiting Parkways Authority tolls to the West Virginia Turnpike without legislative authorization; requiring public hearings with fourteen days' notice and show of need for operational or maintenance costs before increasing tolls; subjecting tolls to auditing by the Joint Committee on Government and Finance; and requiring acceptance of credit card payments in lieu of cash."

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. 4753, Relating to providing health insurance coverage concerning biomarker testing; 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. 312**), and there were—yeas 90, nays 4, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Coop-Gonzalez, Dillon, Foster and Longanacre.

Absent and Not Voting: Dean, Fluharty, Foggin, Horst, Ross and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4753) passed.

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

On this question, the yeas and nays were taken (**Roll No. 313**), and there were—yeas 94, nays 1, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Dillon.

Absent and Not Voting: Dean, Fluharty, Foggin, Horst and Steele.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4753) takes effect July 1, 2024.

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

Com. Sub. for H. B. 4829, Relating to employment of service personnel and removing the requirement for a high school diploma or general education development certificate; 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. 314**), and there were—yeas 88, nays 11, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Dean, Espinosa, Gearheart, Hite, Lewis, Linville, Summers, Tully, Vance, Winzenreid and Young.

Absent and Not Voting: Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4829) 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. 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 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. 315**), 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: Hall and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4882) 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. 4952, Relating to time frame of service of notice; 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. 316**), and there were—yeas 91, nays 5, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Garcia, Hansen, Hornbuckle, Pushkin and Tully.

Absent and Not Voting: Hall, Hornby, Ridenour and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4952) 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. 4963, Prohibiting the use of deep fake technology to influence an election; 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. 317**), and there were—yeas 88, nays 11, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Brooks, Butler, Dillon, Griffith, Hamilton, Hansen, Howell, Jennings, C. Pritt, Pushkin and Ross.

Absent and Not Voting: Longanacre.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4963) 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. 5025, To repeal the additional one and one-half percent interest rate for underpayments and specify an effective date; 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. 318**), 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: Dillon.

Absent and Not Voting: Devault and Longanacre.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5025) passed.

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

H. B. 5025 - "A Bill to amend and reenact §11-10-17 of the Code of West Virginia, 1931, as amended, relating to eliminating the additional one and one-half percent interest rate for underpayments of tax; and specifying an effective date."

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. 5062, Relating to allowing a guardian ad litem to request the appointment of a court appointed special advocate; 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. 319**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Sheedy.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5062) 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. 5130, Relating to criminal trespass; 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. 320**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5130) passed.

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

H. B. 5130 - "A Bill to amend and reenact §61-3B-2 and §61-3B-3 of the Code of West Virginia, 1931, as amended, all relating to increasing fines for criminal trespass; creating criminal penalties; and clarifying protected activities."

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. 5134, Deceased Disabled Veteran Real Property Exemption for Widowed Spouses; on third reading, coming up in regular order, was read a third time.

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

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 321**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5134) 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. 5151, Relating to defining term fictive kin; 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. 322**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Linville.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5151) passed.

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

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

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. 5162, Establish a program to promote creation and expansion of registered apprenticeship programs; 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. 323**), 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: Young.

Absent and Not Voting: Kelly and Linville.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5162) 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. 5178, Requiring car dealerships in this state to utilize a search engine to determine if buyers of vehicles have valid motor vehicle insurance; 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. 324**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Hornbuckle.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5178) passed.

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

Com. Sub. for H. B. 5180, Removing requirements to submit certain evidence on behalf of home schooled children; on third reading, coming up in regular order, with amendment pending and the right to amend, was reported by the Clerk.

A pending amendment offered by Delegates Fluharty, Hansen, Hamilton, Hansen, Hornbuckle, Garcia, Griffith, Lewis, Pushkin, Rowe, Young and Williams was reported by the Clerk.

Whereupon,

Unanimous consent was obtained for the amendment to be withdrawn.

An amendment offered by Delegates Fluharty, Kirby, Winzenreid, Steele, Hansen, Hamilton, Hornbuckle, Garcia, Griffith, Lewis, Pushkin, Rowe, Young and Williams was reported by the Clerk on page 1, Section 1, line 20, following the word "code" by striking out the period, inserting a colon and the following proviso:

"*Provided*, That the county board may not authorize instruction in the home if there is a pending child abuse or neglect investigation pursuant to §49-2-801 *et seq.* of this code, against a custodial parent or guardian with whom the child resides, or a person instructing the child, that is initiated by a schoolteacher or other school personnel within the child's school district pursuant to the mandatory reporting requirements of §49-2-803 of this code. Upon determination by the county superintendent that an investigation has been initiated, the superintendent shall request confirmation of case status from the Department of Human Services, which shall provide confirmation within 48 hours of receipt of the request. Unless another eligibility requirement prevents approval, if the complaint is not substantiated within 14 days of initiation, the superintendent shall authorize home instruction."

On motion of Delegate Tully, the amendment was amended, on page 1, line 6, after, "code." by inserting, "The county superintendent shall develop and institute a policy, to ensure the county superintendent is contacted when a report of suspect abuse and neglect is made by a school teacher or other school personnel pursuant to the provisions of §49-2-803."

Delegate Fluharty obtained unanimous consent to reform his amendment and the House adopted the amendment, as amended and reformed, on page 1, Section 1, line 20, following the word "code" by striking out the period, inserting a colon and the following proviso:

"*Provided*, That the county board may not authorize a currently enrolled public school student to be instructed in the home if there is a pending child abuse or neglect investigation pursuant to §49-2-801 *et seq.* of this code, against a custodial parent or guardian with whom the child resides, or a person instructing the child, that is initiated by a schoolteacher or other school personnel within the child's school district pursuant to the mandatory reporting requirements of §49-2-803 of this code. The county superintendent shall develop and institute a policy, to ensure the county superintendent is contacted when a report of suspect abuse and neglect is made by a school teacher or other school personnel pursuant to the provisions of §49-2-803. Upon determination by the county superintendent that an investigation has been initiated, the superintendent shall request confirmation of case status from the Department of Human Services, which shall provide confirmation within 48 hours of receipt of the request. Unless another eligibility requirement prevents approval, if the complaint is not substantiated within 14 days of initiation, the superintendent shall authorize home instruction."

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. 325**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Ridenour.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5180) passed.

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

Com. Sub. for H. B. 5180 - "A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended, relating to home-schooled children; removing requirements to submit certain evidence on behalf of home-schooled children; and allowing a delay of transfer to home school from public schools in certain circumstances."

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

H. B. 5237, Prohibiting driving slow in left lane except under certain circumstances; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

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

Whereupon,

At the request of Delegate Linville, and by unanimous consent, an amendment offered by Delegate Westfall was considered first, and adopted, on page 1, line 1 after the enacting section by striking out the remainder of the bill and inserting in lieu thereof the following:

“ARTICLE 7. DRIVING ON RIGHT SIDE OF ROADWAY, OVERTAKING AND PASSING, ETC.**§17C-7-1. Driving on right side of roadway; driving on the right side of a roadway having two or more lanes for traffic moving in the same direction; exceptions; penalty.**

(a) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(2) When an obstruction exists that makes it necessary to drive to the left of the center of the highway: *Provided*, That any person doing so shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

~~(2)~~(3) When the right half of a roadway is closed to traffic while under construction or repair;

~~(3)~~(4) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or

~~(4)~~(5) Upon a roadway designated and signposted for one-way traffic.

(b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

(c) Upon all roadways having two or more lanes for traffic moving in the same direction, all vehicles shall be driven in the right-hand lane or lanes then available for traffic except:

(1) When passing another vehicle;

(2) When traffic conditions and congestion make it impractical to drive in the right lane;

(3) When snow and other inclement weather conditions make it safer to drive in the left lane;

(4) When obstructions or hazards exist in the right lane;

(5) When, because of highway design, a vehicle must be driven in the left lane when preparing to exit;

(6) When compliance with a law, rule, ordinance, or traffic control device makes it necessary to operate a vehicle in the leftmost lane;

(7) When a driver of a vehicle requiring a commercial motor vehicle license to operate is unable to move into the right lane safely due to a highway grade or another vehicle overtaking or passing his vehicle on the right;

(8) When paying a toll or user fee at a toll collection facility; or

(9) When moving left to allow traffic to merge.

The provisions of this subsection shall not apply to law-enforcement vehicles, ambulances, or other emergency vehicles engaged in official duties and vehicles engaged in highway maintenance and construction operations.

(e) Nothing in this section limits the Department of Transportation's ability to establish and delineate lane restrictions for certain types of vehicles or prohibit operation of the specified vehicles in the designated lanes.

(e)(f) Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100; upon a second conviction within one year thereafter, shall be fined not more than \$200; and upon a third or subsequent conviction, shall be fined not more than \$500. Enforcement of subsection (c) of this section shall be accomplished only as a secondary action when a driver of a passenger vehicle has been detained for probable cause of violating another section of this code."

Whereupon,

Delegate Linville obtained unanimous consent to have his amendment withdrawn.

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. 326)**, and there were—yeas 68, nays 31, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, T. Clark, Coop-Gonzalez, Dean, Dillon, Foggin, Garcia, Gearheart, Griffith, Hamilton, Hansen, Hardy, Hornbuckle, Horst, Kimble, Kump, Lewis, Longanacre, McGeehan, E. Pritt, Pushkin, Ross, Rowe, Summers, Thorne, Toney, Vance, Ward, Winzenreid, Worrell and Young.

Absent and Not Voting: Kirby.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5237) 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. 5280, West Virginia Short Line Railroad Modernization Act; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

There being no amendments, and having become the engrossed bill, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 327)**, and there were—yeas 75, nays 20, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Butler, Coop-Gonzalez, Dean, Dillon, Gearheart, Hamilton, Hansen, Hornbuckle, Horst, Kimble, Kump, Lewis, Longanacre, C. Pritt, Pushkin, Riley, Ross, Rowe, Street and Young.

Absent and Not Voting: Adkins, Bridges, T. Clark, Fluharty and Kirby.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5280) 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. 5345, Relating to the registration requirements in the Sex Offender Registration Act; on third reading, coming up in regular order, was reported by the Clerk.

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

Whereupon,

Delegate Chiarelli obtained unanimous consent to have the amendment withdrawn.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 328**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Devault, Fluharty, Kirby and Summers.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5345) passed.

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

Com. Sub. for H. B. 5345 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-12-1b; and to amend and reenact §15-12-2 of said code, all relating to the registration requirements in the Sex Offender Registration Act; providing for definitions; adding a definition for transient residence; relating to establishing a 10 day timeframe by which registrants are required to update their information when there is a change in information; and clarifying how those required to register sex offenders, who have no permanent residence, can satisfy their legal obligation by providing a transient residence within the state."

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. 5355, Allowing volunteer fire departments to use fire protection funding for certain purchases; 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. 329**), 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: Bridges, Cooper, Kirby and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5355) 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. 5399, To modify the state auditing practices of the volunteer and part-volunteer fire departments; 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. 330**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Cooper, Kirby, Steele and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5399) 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. 5425, Relating to clarifying the amount of experience required in the hiring of professional education personnel; 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. 331**), 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: Bridges, Cooper, Kirby and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5425) 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. 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 third reading, coming up in regular order, was read a third time.

Delegates Akers, Fast, Moore, Nestor, C. Pritt and Pushkin requested to be excused from voting under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 332**), and there were—yeas 90, nays 6, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Adkins, Dillon, Foster, Horst, Nestor and Thorne.

Absent and Not Voting: Bridges, Cooper, Kirby and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5430) 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. 5435, Establishing the registered apprenticeship to associate of applied science program to be administered by the Council for Community and Technical College Education; 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. 333**), and there were—yeas 91, nays 5, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Butler, Coop-Gonzalez, Dillon, Foster and Longanacre.

Absent and Not Voting: Bridges, Cooper, Kirby and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5435) 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. 5516, Relating to criminalizing the use of deep fakes; 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. 334**), 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: Bridges, Kirby, Steele and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5516) 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. 5548, Relating to modifying requirements imposed on any owner, operator, or manager within a tourism development project ; 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. 335**), and there were—yeas 94, nays 2, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Coop-Gonzalez and Dillon.

Absent and Not Voting: Bridges, Kirby, Longanacre and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5548) 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. 5565, Relating to requiring the Division of Motor Vehicles to provide an identification card for eligible released inmates; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Summers obtained unanimous consent to amend the bill on third reading, and the rule was suspended to permit the offering and consideration of such.

On motion of Delegate Summers, the bill was amended by striking out the article heading and inserting a new article heading to read as follows, "ARTICLE 2. ISSUE OF LICENSE, EXPIRATION, AND RENEWAL."

And,

On page 1, line 3, by striking the word, "division's" and by inserting, "Division of Corrections and Rehabilitation's".

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. 336**), and there were—yeas 93, nays 2, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Dillon and Gearheart.

Absent and Not Voting: Bridges, Kirby, Longanacre, Steele and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5565) 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. 5572, Prohibiting cameras and recording devices in bedrooms and bathrooms of foster children; 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. 337**), and there were—yeas 94, nays 1, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Miller.

Absent and Not Voting: Bridges, Kirby, Longanacre, Steele and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5572) 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. 5613, Relating to requiring the Governor to establish crisis preparedness plans; 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. 338**), and there were—yeas 51, nays 45, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Akers, Campbell, Cannon, W. Clark, Cooper, Criss, Dean, Espinosa, Fehrenbacher, Fluharty, Garcia, Gearheart, Griffith, Hall, Hamilton, Hansen, Hardy, Heckert, Hillenbrand, Hite, Holstein, Hornbuckle, Hornby, Horst, Hott, Howell, Jeffries, Kelly, Lewis, Maynor, Miller, Pushkin, Riley, Rohrbach, Shamblin, Sheedy, Smith, Summers, Toney, Tully, Westfall, Williams, Willis, Winzenreid and Young.

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

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5613) 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. 5697, Relating to public charter schools code provisions; 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. 339**), and there were—yeas 85, nays 11, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Adkins, Dean, Hamilton, Hansen, Lewis, Pushkin, Stephens, Toney, Williams, Winzenreid and Young.

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

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5697) 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 **Com. Sub. for S. B. 631**.

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

Com. Sub. for S. B. 631 – “A Bill to amend and reenact §16-13-16 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section designated

§16-13-16a, all relating to prohibiting municipalities from shutting off a user's water for nonpayment of stormwater fees without notice; creating a board to hear appeals for assessment of estimated usage units; and allowing for municipalities to impose a lien to obtain payment without shutting off or disconnecting service."

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

At 3:10 p.m., on motion of Delegate Householder, the House of Delegates recessed until 4:30 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-

Second Reading

Com. Sub. for S. B. 331, Eliminating cap on maximum amount of money in county's financial stabilization fund; on second reading, coming up in regular order, was read a second time.

An amendment recommended by the Committee on Finance was adopted, on page 1, after the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

"ARTICLE 6. COUNTY DEPOSITORIES.

§7-6-5a. County treasurer authorized to make funds available to state Board of Investments investments; allocation of income.

Notwithstanding any other provision of this code, when it appears to any of the various fiscal bodies of the county that funds on deposit in its demand deposit account exceed the current requirements or demands, and it further be determined by the county treasurer that the available interest rate offered by an acceptable depository in such treasurer's county be less than the interest rate, net of any administrative fees, ~~referred to in article six, chapter twelve of this code,~~ offered it through the state Board of Investments investments, the county treasurer may, with the approval in writing of each fiscal body whose funds are involved, make such funds available ~~to the state Board of Investments for investment in accordance with the provisions of said article six, chapter twelve of the code~~ for investment by the West Virginia Investment Management Board in accordance with the provisions of §12-6-1 et seq. of this code or the West Virginia Board of Treasury Investments in accordance with the provisions of §12-6C-1 et seq. of this code.

Any income earned on such investment shall be allocated by such treasurer to the fiscal body whose funds were made available, such allocation to be made in accordance with the accounting

and allocation principles established by the ~~Board of Investments~~ the West Virginia Investment Management Board or the West Virginia Board of Treasury Investments, as applicable.

ARTICLE 21. COUNTY FINANCIAL STABILIZATION FUND ACT.

§7-21-3. Budget stabilization fund; creation; appropriation; ~~maximum~~ investments.

(a) A county commission may create a financial stabilization fund by a majority vote of the members. The fund may receive appropriations, gifts, grants, and any other funds made available.

(b) The county commission may appropriate a sum to the fund from any surplus in the General Fund at the end of each fiscal year or from any other money available.

~~(c) The amount of money in the fund may not exceed 50 percent of the county's most recent General Fund budget, as originally adopted. When the fund exceeds the 50 percent, the county commission shall transfer the excess to any fund it considers appropriate.~~

(c) The county commission may, in the exercise of its discretion, make the moneys in the fund available for investment by the Board of Treasury Investments or the Investment Management Board in accordance with the provisions of §7-6-5a of this code: *Provided, That if the amount of money in the fund exceeds 50 percent of the county's most recent General Fund budget, the county shall consider tax reduction measures.*

The bill was then ordered to third reading.

Com. Sub. for S. B. 603, Solid Waste Management Act; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 712, Reducing minimum age for State Police cadet; on second reading, coming up in regular order, was read a second time.

Delegate Kump moved to amend the bill on page 1, section 7, line 8, after the word "age" by striking the words "nor more than 39 years of age".

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. 340**), and there were— yeas 35, nays 55, absent and not voting 10, with the yeas and the absent and not voting being as follows:

Yeas: Adkins, Brooks, Butler, T. Clark, Cooper, Dean, Devault, Foster, Green, Hillenbrand, Hite, Hornby, Howell, Kimble, Kump, Lewis, Linville, Lucas, Mallow, Marple, Mazzocchi, McGeehan, Miller, Moore, Nestor, Petitto, Pinson, C. Pritt, E. Pritt, Pushkin, Ridenour, Rowe, Stephens, Toney and Vance.

Absent and Not Voting: Bridges, Crouse, Dillon, Foggin, Kirby, Longanacre, Martin, Ross, Steele and Westfall.

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

The bill was then ordered to third reading.

Com. Sub. for H. B. 4010, Relating to providing notification of utility service disruption to its' customers; 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. 4258, To require railroad companies to provide alternative entry and exit ways; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4305, Relating to granting in-state resident status to economic development participants; 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. 4313, Creating the Parents' Bill of Rights; 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. 4408, To allow the development of a specialized intermediate care facility for individuals with intellectual and developmental disabilities; 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 61, by striking the words, "notwithstanding any provision of §16-2D-9 of this code to the contrary,".

The bill was then ordered to engrossment and third reading.

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; 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. 4709, Relating to vocational and technical education programs; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4721, Require Surveyors to offer to record surveys of property; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4722, Create a credit against the severance tax to encourage private companies to make infrastructure improvements to highways, roads and bridges in this state; 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. 4734, To provide a pay increase to state correctional workers in West Virginia; 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. 4784, Establish setback from residential properties for new windmills being constructed throughout the state; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Fast, the bill was amended on page 1, section 11e, line 12, immediately following the word "and" by striking "established as a permanent structure that has a permanent foundation or footing" and inserting in lieu thereof "which has".

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4812, Capping amount of moneys to third party vendors who collect business and occupation taxes on behalf of cities; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4822, Creating the Certified Sites and Development Readiness Program; 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. 4883, Relating to increasing annual salaries of certain employees of the state; on second reading, coming up in regular order, was read a second time.

Delegate Pushkin and E. Pritt moved to amend the bill on page 10, following Section 2 on line 53, by inserting the following:

"§18A-4-5c. Pay Increases for Special Education Aides (Aide V) and Special Education teachers in self-contained classrooms.

(a) All personnel classified as "Aide V (Special Education Aide) shall be paid at the same grade as those personnel classified as "Early Childhood Classroom Assistant Teachers". In addition to the aforementioned salary matching, personnel classified as "Aide V (Special Education Aide" shall receive an additional 5% raise to this salary grade.

(b) All Special Education Teachers in self-contained classrooms shall receive a 10% pay increase to their salaries in addition to the current grade."

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

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

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. 341**), and there were— yeas 32, nays 54, absent and not voting 14, with the yeas and the absent and not voting being as follows:

Yeas: Akers, Brooks, Campbell, W. Clark, Dean, Dittman, Ellington, Ferrell, Fluharty, Griffith, Hall, Hamilton, Hansen, Hornbuckle, Kimble, Lewis, Lucas, Marple, Miller, Petitto, E. Pritt, Pushkin, Rowe, Shamblyn, Statler, Stephens, Tully, Vance, Ward, Warner, Williams and Winzenreid.

Absent and Not Voting: Bridges, Crouse, Dillon, Foggin, Garcia, Kirby, Kump, Longanacre, Martin, C. Pritt, Ross, Steele, Westfall and Young.

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. 4919, Relating to the Promise Scholarship; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4945, Relating generally to the Hope Scholarship Program; on second reading, coming up in regular order, was read a second time,

Delegate Hornbuckle moved to amend the bill on page 4, section 2, line 35, following the words "or microschool" by inserting the words "located in this state".

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. 342**), and there were— yeas 17, nays 70, absent and not voting 13, with the yeas and the absent and not voting being as follows:

Yeas: Adkins, Dean, Ferrell, Fluharty, Griffith, Hamilton, Hansen, Hornbuckle, Lewis, E. Pritt, Pushkin, Rowe, Shamblin, Stephens, Vance, Williams and Young.

Absent and Not Voting: Bridges, Crouse, Dillon, Foggin, Garcia, Kirby, Kump, Longanacre, Martin, C. Pritt, Ross, Steele and Westfall.

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

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4956, Creating the Oral Health and Cancer Rights Act; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Summers, the bill was amended on page 2, section 8b, after line 9, 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 on Government and Finance the cost of this change.";

And,

On page 2, section 34, after line 9, 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 on Government and Finance the cost of this change."

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4975, Relating to establishing a foster parent information system; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Burkhammer, the bill was amended on page 2, line 25, after the word, "parent" by inserting "and kinship parent";

And,

On page 2, line 34, after the word, "parent" by inserting the words, "or kinship parent";

And,

On page 2, line 41, after the word, "parent" by inserting the words, "or kinship parent".

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 5077, Establishing residency requirements for candidates seeking nomination and election to United States Congress; 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. 5137, Relating to requiring the State Auditor to conduct audits of all county boards of education; on second reading, coming up in regular order, was read a second time.

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

“ARTICLE 4A. CENTRALIZED MANAGEMENT OF COMPLAINTS.

§12-4A-2. General purpose.

(a) The State Auditor shall have authority to receive reports of possible fraud, misappropriation, mismanagement or waste of state funds of the State of West Virginia and to refer such reports to the commission on special investigations, county prosecutors and law-enforcement agencies.

(b) The State Auditor shall conduct a financial assessment of all county boards of education in this state. Financial assessments are not required to be conducted on an annual basis, but shall be scheduled as to complete an assessment of each county board of education at least once every six years. The State Auditor shall assess and report to the Joint Committee on Government and Finance on all county board of education funds, regardless of the funds' source, including, but not limited to, funds and income received from levies, the state, and the federal government. The assessment shall include evaluations of internal controls, including use of the purchasing card. Effective July 1, 2025, all county boards of education must utilize the Local Government Purchasing Card program created in Chapter 6, Article 9, section 2a of this code: *Provided*, That nothing in this section shall alter the State Auditor's duties as the supervisor of local government offices or current audit requirements of county boards of education as provided for under Chapter 6, Article 9 of this code: *Provided further*, That the State Auditor may recoup his or her costs under this section by charging a fee to the county board of education. This section shall become effective immediately upon passage.”

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 5188, Relating to awards and benefits for duty related disability in the municipal police officers and firefighters retirement system; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 5192, Relating to requiring the Board of Pharmacy to promulgate rules; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 5194, Requiring purchases of certain commodities and services from state use program partners; on second reading, coming up in regular order, was read a second time.

An amendment was recommended by the Committee on Government Organization, and adopted, on page 2, section 5A-3-10, line 39, after the word "Committee" by striking out the word "on" and inserting in lieu thereof the word "for".

On motion of Delegate Statler, the bill was amended on page 3, section 10, after line 54 by inserting a new subsection to read as follows:

(h) The amendments to this section amended during the 2024 session shall apply to all applicable purchases made on or after July 1, 2025.

The bill was then ordered to engrossment and third reading.

H. B. 5213, To allow Gold Star spouses to receive one free Gold Star vehicle registration for personal use; 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. 5241, Requiring the West Virginia Office of the Insurance Commissioner to audit certain PEIA claims; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 5245, Supplementing, amending, and increasing existing items of appropriation from the State Road Fund to the Department of Transportation, Division of Highways; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 5289, To allow for the implementation of Educational Software in West Virginia public schools; 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. 5297, Relating to prohibiting pubertal modulation and hormonal therapy when provided to assist in a gender transition; on second reading, coming up in regular order, was read a second time.

Delegate Pushkin moved to amend the bill on page 2, Section 20, line 40, following the semicolon by striking out the word "and"; and on line 43, by striking out the period, inserting a semicolon and the following:

"and

(5) Pubertal modulating and hormonal therapy for severe gender dysphoria if the treatment was initiated prior to the effective date of this section.";

And,

On page 5, Section 17, line 39, following the semicolon by striking out the word "and"; and on line 42, by striking out the period, inserting a semicolon and the following:

"and

(5) Pubertal modulating and hormonal therapy for severe gender dysphoria if the treatment was initiated prior to the effective date of this section."

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

H. B. 5305, Relating to impaired driving not eligible for deferred adjudication; 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. 5331, Relating to boating safety education 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. 5338, Relating to Safe Harbor for Cybersecurity Programs; 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. 5340, Relating to requiring insurance coverage for a nonopioid drug for the treatment of pain for patients with substance use disorder; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Summers, the bill was amended on page 2, line 1, by inserting, "(a)";

And,

On page 2, line 4, by inserting a new subsection (b) to read as follows: "(b) One year following implementation, the Public Employees Insurance Agency and the Bureau of Medical Services shall report to the Joint Committee on Government and Finance the cost of this change.".

Delegate Pushkin moved to amend the bill on page 2, Section 10, line 4, by striking out the words "to a patient who has been diagnosed with substance use disorder".

Speaker Pro Tempore Espinosa in the Chair

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. 343**), and there were—yeas 16, nays 70, absent and not voting 14, with the yeas and the absent and not voting being as follows:

Yeas: Chiarelli, Dittman, Fehrenbacher, Fluharty, Garcia, Griffith, Hamilton, Hansen, Holstein, Hornbuckle, Lewis, Marple, Pushkin, Rowe, Williams and Young.

Absent and Not Voting: Bridges, Criss, Dillon, Foggin, Kirby, Kump, Longanacre, Martin, Ross, Sheedy, Steele, Stephens, Westfall and Hanshaw (Mr. Speaker).

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. 5344, Relating to testimony of cognitively delayed persons in open court and criminal penalties for assault of cognitively delayed persons; 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. 5349, West Virginia Truth in Food Labeling Act; 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. 5358, Creating an ombudsman program within the Division of Corrections and Rehabilitation to review complaints against a state agency or correctional facility; 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. 5373, Relating to changing political parties less than one year prior to being appointed to political office; on second reading, coming up in regular order, was read a second time.

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

“ARTICLE 10. FILLING VACANCIES.

§3-10-3. Vacancies in offices of state officials, justices, judges, and magistrates.

(a) Any vacancy occurring in the offices of Secretary of State, Auditor, Treasurer, Attorney General, Commissioner of Agriculture, or in any office created or made elective to be filled by the voters of the entire state, is filled by the Governor of the state by appointment and subsequent election to fill the remainder of the term, if required by §3-10-1 of this code. The Governor shall make the appointment from a list of three legally qualified persons submitted by the party executive committee of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time ~~the vacancy occurred~~ of the previous election for that office. The list of qualified persons to fill the vacancy shall be submitted to the Governor within 15 days after the vacancy occurs, and the Governor shall duly make his or her appointment to fill the vacancy from the list of legally qualified persons within five days after the list is received. If the list is not submitted to the Governor within the 15-day period, the Governor shall appoint, within five days thereafter, a legally qualified person of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred: Provided, That any such person appointed by the Governor must have been affiliated with that political party for at least one year: Provided however, That the provisions of this subsection do not apply to §3-10-3(b), §3-10-3(c), §3-10-3(d), and §3-10-3(e) of this code.

(b) Any vacancy occurring in the offices of Justice of the Supreme Court of Appeals, judge of the Intermediate Court of Appeals, judge of a circuit court, or judge of a family court is filled by the Governor of the state by appointment and, if the unexpired term be for a period of more than three years, by a subsequent election to fill the remainder of the term, as required by §3-10-3(d) of this code. If an election is required under §3-10-3(d) of this code, the Governor, circuit court, or the chief judge thereof in vacation, is responsible for the proper proclamation by order and notice required by §3-10-1 of this code. The amendments to this subsection enacted during the regular session of the Legislature in the year 2022 shall be applicable to any vacancy existing at the date of passage of such amendments.

(c) Any vacancy in the office of magistrate is appointed according to the provisions of §50-1-6 of this code, and, if the unexpired term be for a period of more than two years, by a subsequent election to fill the remainder of the term, as required by §3-10-3(d) of this code.

(d) (1) When the vacancy in the office of Justice of the Supreme Court of Appeals, judge of the Intermediate Court of Appeals, judge of the circuit court, judge of a family court, or magistrate occurs after the 84th day before a general election, and the affected term of office ends on December 31 following the succeeding general election two years later, the person appointed to fill the vacancy shall continue in office until the completion of the term.

(2) When the vacancy occurs before the close of the candidate filing period for the primary election, and if the unexpired term be for a period of greater than three years, the vacancy shall be filled by election in the nonpartisan judicial election held concurrently with the primary election and the appointment shall continue until a successor is elected and certified.

(3) When the vacancy occurs after the close of candidate filing for the primary election and not later than 84 days before the general election, and if the unexpired term be for a period of greater than three years, the vacancy shall be filled by election in a nonpartisan judicial election held concurrently with the general election, and the appointment shall continue until a successor is elected and certified.

(e) When an election to fill a vacancy is required to be held at the general election, according to the provisions of §3-10-3(d) of this code, a special candidate filing period shall be established. Candidates seeking election to any unexpired term for Justice of the Supreme Court of Appeals, judge of the Intermediate Court of Appeals, judge of a circuit court, judge of the family court, or magistrate shall file a certificate of announcement and pay the filing fee no earlier than the first Monday in August and no later than 77 days before the general election.

§3-10-4. Vacancies in representation in United States Congress.

(a) (1) If there is a vacancy in the representation from this state in the House of Representatives in the Congress of the United States, the Governor shall, within five days after the fact comes to his or her knowledge, issue a proclamation setting dates for a special general election that is not less than 84 nor more than 120 days from the date of the vacancy and requiring nomination of candidates as provided in §3-10-4(a)(2) of this code: *Provided*, That no such proclamation may be made nor may a special election be held if the vacancy occurs after the 84th day prior to the regularly scheduled general election for a new full term of the office. The election shall follow the requirements of §3-10-1 of this code that are not in conflict with this section.

(2) The party executive committees for the congressional district for which there is a vacancy shall each, within 30 days of the Governor's proclamation, nominate a candidate to stand at the general election required by §3-10-4(a)(1) of this code.

(b) If there is a vacancy in the representation from this state in the Senate of the United States Congress, the vacancy shall be filled by the Governor of the state by appointment. The Governor shall make the appointment from a list of three legally qualified persons submitted by the party executive committee of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time ~~the vacancy occurred~~ of the previous election for that office. The list of qualified persons to fill the vacancy shall be submitted to the Governor within 15 days after the vacancy occurs, and the Governor shall duly make his or her appointment to fill the vacancy from the list of legally qualified persons within five days after the list is received. If the list is not submitted to the Governor within the 15-day period, the Governor shall appoint, within five days thereafter, a legally qualified person of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred: Provided, That any such person appointed by the Governor must have been affiliated with that political party for at least one year.

Furthermore,

(1) If the vacancy occurs on or before the primary cutoff date, then an election shall be held pursuant to §3-10-1 of this code; or

(2) If the vacancy occurs after the primary cutoff date, but on or before the general cutoff date, then the Governor shall issue a proclamation providing for: (A) A special filing period; (B) a special primary election to be held in conjunction with the upcoming general election; and (C) a special general election to be held not less than 84 nor more than 120 days following the date of the special primary election. Each election shall follow the requirements of §3-10-1 of this code that are not in conflict with this section.

§3-10-5. Vacancies in state Legislature.

(a) Any vacancy in the office of state senator or member of the House of Delegates shall be filled by appointment by the Governor, from a list of three legally qualified persons submitted by the party executive committee of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time ~~the vacancy occurred~~ of the previous election for that office. The list of qualified persons to fill the vacancy shall be submitted to the Governor within 15 days after the vacancy occurs and the Governor shall duly make his or her appointment to fill the vacancy from the list of legally qualified persons within five days after the list is received. If the list is not submitted to the Governor within the 15-day period, the Governor shall appoint within five days thereafter a legally qualified person of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred: Provided, That any such person appointed by the Governor must have been affiliated with that political party for at least one year.

(b) In the case of a member of the House of Delegates, if the member was elected to a multi-county delegate district the list shall be submitted by the party executive committee of the delegate district in which the vacating member resided at the time of his or her election or appointment. If the member was elected to a delegate district situated entirely within a single county, the list shall be submitted by the county executive committee in which the vacating member resided at the

time of his or her election or appointment. The appointment to fill a vacancy in the House of Delegates is for the unexpired term.

(c) In the case of a state senator, if the member was elected to a multi-county senatorial district the list shall be submitted by the party executive committee of the state senatorial district in which the vacating senator resided at the time of his or her election or appointment. If the member was elected to a senatorial district situated entirely within a single county, the list shall be submitted by the county executive committee in which the vacating member resided at the time of his or her election or appointment. The appointment to fill a vacancy in the state Senate is for the unexpired term, unless §3-10-1 of this code requires a subsequent election to fill the remainder of the term, which shall follow the procedure set forth in said section.

§3-10-6. Vacancy in office of circuit court clerk.

(a) When a vacancy occurs in the office of clerk of the circuit court, the circuit court by a majority vote of the judges shall fill the same within thirty days of the vacancy by appointment of a person of the same political party as the officeholder vacating the office for the period required by section one of this article: Provided, That any person appointed must be affiliated with the political party with which the person vacating the office was affiliated at the time of the previous election for that office and must have been so affiliated for at least one year.

(b) Notwithstanding any code provision to the contrary, the chief judge may appoint a temporary successor to the office of clerk of the circuit court until the requirements of this section have been met. The temporary successor may serve no more than thirty days from the date of the vacancy.

(c) If an election is necessary, the circuit court, or the chief judge thereof in vacation, is responsible for the proper proclamation, by order and notice required by section one of this article.

(d) Section one of this article shall be followed with respect to any election needed to fill a vacancy, except that if the vacancy occurs after the primary cutoff date but not later than the general cutoff date, candidates to fill the vacancy shall be nominated by the county executive committee in the manner provided in section nineteen, article five of this chapter, as in the case of filling vacancies in nominations, and the names of the persons, so nominated and certified to the clerk of the county commission of the county, shall be placed upon the ballot to be voted at the next general election.

§3-10-7. Vacancies in offices of county commissioner and clerk of county commission.

(a) Any vacancy in the office of county commissioner or clerk of county commission shall be filled by appointment by the county commission. The appointee must be a person of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time ~~the vacancy occurred~~ of the previous election for that office: *Provided*, That at the time of appointment, the appointee must have been a member of that political party for at least ~~60 days~~ one year prior to the occurrence of the vacancy.

(b) If a quorum of the county commission fails to make an appointment within 30 days, the county executive committee of the same political party with which the person holding the office preceding the vacancy was affiliated at the time the vacancy occurred, shall submit a list of three legally qualified persons to fill the vacancy. Within 15 days from the date on which the list is received, the county commission shall appoint a candidate from the list to fill the vacancy. If the

county commission fails to make the appointment within the specified time, then the county commissioner with the longest tenure shall eliminate one name from the submitted list, followed by the county commissioner with the second-longest tenure then eliminating one name from the submitted list. The name remaining after those two names have been eliminated shall be deemed to be appointed by the county commission to fill the vacancy.

(c) If the number of vacancies in a county commission deprives that body of a quorum, the Governor shall make an appointment to fill any vacancy in the county commission necessary to create a quorum, from a list of three legally qualified persons submitted by the party executive committee of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred. The Governor shall make any appointments necessary, beginning with the vacancy first created, to create a quorum in accordance with the same procedures applicable to county commissions under §3-10-7(a) of this code. Once a quorum of the county commission is reestablished by gubernatorial appointment, the authority to fill the remaining vacancies shall be filled in the manner prescribed in §3-10-7(a) of this code.

(d) An appointment made pursuant to this section is for the period of time provided in §3-10-1 of this code.

(e) Notwithstanding any code provision to the contrary, a county commission may appoint a temporary successor to the office of clerk of the county commission until the requirements of this section have been met. The temporary successor may serve no more than 30 days from the date of the vacancy.

(f) If an election is necessary under §3-10-1 of this code, the county commission, or the president thereof in vacation, shall be responsible for the proper proclamation, by order, and notice required by §3-10-1 of this code.

(g) §3-10-1 of this code shall be followed with respect to any election needed to fill a vacancy, except that if the vacancy occurs after the primary cutoff date but not later than the general cutoff date, candidates to fill the vacancy shall be nominated by the county executive committee in the manner provided in §3-5-19 of this code, as in the case of filling vacancies in nominations, and the names of the persons, so nominated and certified to the clerk of the county commission of the county, shall be placed upon the ballot to be voted at the next general election.

(h) If the election for an unexpired term is held at the same time as the election for a full term for county commissioner, the full term shall be counted first and the unexpired term shall be counted second. If the candidate with the highest number of votes for the unexpired term resides in the same magisterial district as the candidate with the highest number of votes for the full term, the candidate for the full term shall be seated. The candidate with the next highest number of votes for the unexpired term residing in a different magisterial district shall be seated for the unexpired term.

§3-10-8. Vacancies in offices of prosecuting attorney, sheriff, assessor and surveyor.

(a) Any vacancy occurring in the office of prosecuting attorney, sheriff, assessor or county surveyor shall be filled by the county commission within thirty days of the vacancy by appointment of a person of the same political party as the officeholder vacating the office with which the person holding the office immediately preceding the vacancy was affiliated at the time of the previous election for the office. The appointed person shall have been a registered voter affiliated with that

political party for at least one year. The appointed person shall hold the office for the period stated by section one of this article.

(b) Notwithstanding any code provision to the contrary, a county commission may appoint a temporary successor to the office of prosecuting attorney, sheriff, assessor or county surveyor until the requirements of this section have been met. The temporary successor may serve no more than thirty days from the date of the vacancy.

(c) If an election is necessary under section one of this article, the county commission, or the president thereof in vacation, shall be responsible for the proper proclamation, by order, and notice required by section one of this article.

(d) Section one of this article shall be followed with respect to any election needed to fill a vacancy, except that if the vacancy occurs after the primary cutoff date but not later than the general cutoff date, candidates to fill the vacancy shall be nominated by the county executive committee in the manner provided in section nineteen, article five of this chapter, as in the case of filling vacancies in nominations, and the names of the persons, so nominated and certified to the clerk of the county commission of the county, shall be placed upon the ballot to be voted at the next general election."

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 5379, Relating to financial assistance available for a prescription drug; 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. 5405, Providing additional professional development and support to West Virginia educators through teacher and leader induction and professional growth; 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. 5432, To move the essential functions of the Information Services and Communications Division into the Office of Technology; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 5437, Relating to time limits imposed on the Division of Highways to grant a highway entrance permit; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Linville, the bill was amended on page 1, section 6, line 21, immediately following the word "requested" by inserting the words "by a commercial, industrial, utility, residential development or other business,".

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 5510, Clarify law regarding the crime of witness tampering; 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. 5514, Enhancing training requirements for county boards of education members; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 5551, Relating to continuing education concerning domestic violence; 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. 5583, Relating of movement of oversized vehicles on roadways; on second reading, coming up in regular order, was read a second time.

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

Whereupon,

Delegate Linville obtained unanimous consent to have the amendment withdrawn.

On motion of Delegate Toney, the bill was amended on page 5, section 11, line 93, by striking subsection (f) in its entirety and inserting in lieu thereof the following language:

“(f) The Commissioner of the Division of Highways may issue a special permit to operate or move a vehicle or combination of vehicles of a size or weight of vehicles or nondivisible load exceeding the maximum specified in this chapter or otherwise not in conformity with the provisions of this chapter over routes designated by the Commissioner of the Division of Highways at night, and during holidays, holiday weekends, Saturdays, and Sundays: *Provided*, That the special permit outlined in this subsection shall apply to all interstate highways, United States highways with four or more travel lanes, and divided highways within the state with four or more travel lanes.”

The bill was then ordered to engrossment and third reading.

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; 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. 5595, Relating to shortened procedure for road condition claims; 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. 5604, Relating to procurement by state spending units; 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. 5609, Relating to confidentiality of child care records and the Foster Care Ombudsman; 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. 5617, Authorizing the Public Service Commission to promulgate rules for maintenance, flushing, flow testing, and marking of fire hydrants owned by water utilities; 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 the amendments on that reading.

Com. Sub. for H. B. 5623, Relating to absentee voting; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 5632, Relating generally to West Virginia Real Estate License Act; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Worrell, the bill was amended on page 4, section 17, beginning on line 2, by striking out the entirety of subdivision (1) and inserting in lieu thereof the following:

“(1) Have and maintain a definite place of business within this state, which shall be a room or rooms used for the transaction of real estate business and any allied business. The definite place of business shall be designated in the license certificate issued by the commission and the broker may not transact business at any other location within this state, unless such other location is properly licensed by the commission as a branch office. A broker who is a nonresident of this state may not be required to maintain an active place of business in this state if the nonresident broker’s state of original licensure is party to an active reciprocity agreement with the commission that does not require West Virginia licensees holding licenses in that state to maintain an office in that state;”

The bill was then ordered to engrossment and third reading.

H. B. 5639, Prompt Payment Act of 2024; 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. 5668, Creating the Responsible Gaming and Research Act; 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. 5676, Relating to changing the maximum amount a County Clerk can charge to settle an estate and removing reference to Fiduciary Commissioner; 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. 5685, Relating to Medicaid Cost Containment; 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 amendment pending and the right to amend, and the rule was suspended to permit the offering and consideration of the amendments on that reading.

H. B. 5698, Relating to the Consumer Data Protection Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

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,

And,

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

Miscellaneous Business

At the request of Delegate Crouse, consent was obtained for the comments of the Delegate regarding the reformed amendment offered by Delegate Fluharty to Com. Sub. for H. B. 5180 to be printed in the Appendix to the Journal.

At the request of Delegate Fluharty, consent was obtained for the comments of the Delegate regarding his reformed amendment to Com. Sub. for H. B. 5180 to be printed in the Appendix to the Journal.

Delegate Ridenour asked and obtained unanimous consent to be added as a cosponsor of H. B. 5548.

Delegates Mazzocchi and Adkins asked and obtained unanimous consent to be added as a cosponsor of H. B. 5613.

Delegates Griffith and Linville asked and obtained unanimous consent to be added as a cosponsor of Com. Sub. for H. B. 4919.

Delegate Mazzocchi asked and obtained unanimous consent to be added as a cosponsor of Com. Sub. for H. B. 4258.

Delegate Petitto asked and obtained unanimous consent to be added as a cosponsor of H. B. Com. Sub. for 4734, Com. Sub. for H. B. 4975 and Com. Sub. for H. B. 5609.

Delegate Barnhart asked and obtained unanimous consent to be added as a cosponsor of H. B. 5639.

Delegate Horst asked and obtained unanimous consent to be added as a cosponsor of Com. Sub. for Com. Sub. for H. B. 4313.

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

H. C. R. 86: Delegate Hornbuckle.

At 6:03 p.m., the House of Delegates adjourned until 8:00 a.m., Wednesday, February 28, 2024.

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

SPECIAL CALENDAR

Wednesday, February 28, 2024

50th Day

8:00 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. 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. 5137 - Relating to requiring the State Auditor to conduct audits of all county boards of education
- 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 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 [Right to Amend]
- 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. 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 one year prior to being appointed to political 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 [Right to Amend]
- 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 [Right to Amend]
- H. B. 5698 - Relating to the Consumer Data Protection Act

SECOND 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

FIRST READING

- S. B. 164 - Relating generally to trespassing
- Com. Sub. for S. B. 370 - Updating Public Employees Grievance Board procedure that certain decisions be appealed to Intermediate Court of Appeals
- Com. Sub. for S. B. 451 - Directing Prosecuting Attorneys Institute to make training available to certain new prosecuting attorneys
- S. B. 529 - Including Salem University in PROMISE Scholarship program
- Com. Sub. for S. B. 539 - Creating cold case database

HOUSE CALENDAR

Wednesday, February 28, 2024

50th Day

8:00 A.M.

THIRD READING

- Com. Sub. for S. B. 754 - Allowing car dealerships to utilize search engines to determine if buyers have valid motor vehicle insurance
- H. B. 4700 - Banning certain persons from sport wagering activities

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

- 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

WEDNESDAY, FEBRUARY 28, 2024

HOUSE CONVENES AT 8:00 A.M.

**COMMITTEE ON RULES
7:45 A.M. - BEHIND THE CHAMBER**

**COMMITTEE ON GOVERNMENT ORGANIZATION
3:00 P.M. – EAST WING COMMITTEE ROOM**

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