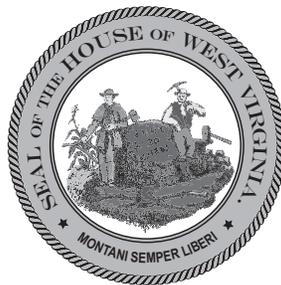


West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Sixth Legislature
Second Regular Session

Held at Charleston
Published by the Clerk of the House



February 29, 2024
FIFTY-FIRST DAY

Thursday, February 29, 2024

FIFTY-FIRST DAY

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

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

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

The Clerk proceeded to read the Journal of Wednesday, February 28, 2024, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Messages from the Executive
And Other Communications**

A communication from His Excellency, the Governor, advised that on February 28, 2024, he approved S. B. 605, S. B. 606, S. B. 607 and S. B. 790.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 5, George M. Hall Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 11, VFD Gregory Linn Haught Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

Com. Sub. for H. C. R. 12, U. S. Marine Private First Class Calvin Lee Loudin Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 14, Assistant Chief David Timothy "Tim" Wilson Memorial Road.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 15, USMC Private Timith Daley Nunn Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 16, Thomas Leo Starsick Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 17, Ab and Laura Baisden Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

Com. Sub. for H. C. R. 22, U.S. Army Corporal William Edgar Hancock Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 23, Cody J. Mullens Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 25, U. S. Navy Sonarman First Class William C. Harris Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 27, U. S. Army Sergeant Jerry Lee Harris Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 28, Karantonis Brothers Armed Forces Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 29, U.S. Army Sgt Thomas Lawson Memorial Bridge.

A message from the Senate, by
The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

Com. Sub. for H. C. R. 33, U. S. Army PFC Gale Hall Memorial Bridge.

A message from the Senate, by
The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

Com. Sub. for H. C. R. 34, U.S. Army Staff Sgt. Harlie Steven Gabbert Memorial Bridge.

A message from the Senate, by
The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 35, Gulf War Veteran's Memorial Bridge.

A message from the Senate, by
The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 41, Thurman W. Whisner Memorial Bridge.

A message from the Senate, by
The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 42, U.S. Army SSG William E. Miller Memorial Bridge.

A message from the Senate, by
The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 45, Alexander Arbuckle "Abe" McLaughlin Memorial Bridge.

A message from the Senate, by
The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 46, Jacob "Jack" Taylor Rudolph, Sr. Memorial Bridge.

A message from the Senate, by
The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 50, Jack A. Hatfield Memorial Bridge.

A message from the Senate, by
The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 51, U. S. Army Colonel Merlin C. Kerns Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 59, Asa H. Kisamore, Jr. Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

Com. Sub. for H. C. R. 62, U.S. Army First Sergeant Clarence Shirley Blake Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

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

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. 200 - "A Bill making appropriations of public money out of the Treasury in accordance with section 51, article VI of the Constitution."

At the respective requests of Delegate Kimble, and by unanimous consent, reference of the bill (Com. Sub. for S. B. 200) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

Com. Sub. for S. B. 377 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-2-10, relating to permitting allopathic and osteopathic physicians to be exempt from specified traffic laws in emergency situations when responding to an emergency call; providing that physicians must still exercise due care for safety; and requiring rulemaking by the West Virginia Board of Medicine and West Virginia Board of Osteopathic Medicine"; which was referred to the Committee on Technology and Infrastructure.

A message from the Senate, by

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

Com. Sub. for S. B. 468 - "A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to the required instruction in human growth and development and the Holocaust; providing for courses to include human growth and development related to pregnancy and human development inside the womb; requiring methods of presenting this instruction; requiring age-appropriate instruction and reading on the Holocaust"; which was referred to the Committee on Health and Human Resources then 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. 470 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31A-9-1, §31A-9-2, §31A-9-3, §31A-9-4, §31A-9-5, §31A-9-6, §31A-9-7, §31A-9-8, §31A-9-9, §31A-9-10, §31A-9-11, §31A-9-12, §31A-9-13, §31A-9-14, §31A-9-15, and §31A-9-16, all relating to the Uniform Special Deposits Act; providing citation; defining terms; providing for applicability to special deposits in certain circumstances; providing exceptions; allowing variation by agreement or amendment; setting forth requirements for a special deposit; requiring permissible purpose for special deposit; allowing termination of special deposit in certain circumstances; describing when bank is obligated to pay beneficiary; clarifying who has a property interest in special deposit; providing for creditor process enforceability in certain circumstances; permitting injunctive or similar relief by court; generally prohibiting recoupment or set off against special deposit; providing exceptions to prohibition on recoupment or set off against special deposit; describing duties and liability of bank holding special deposit; terminating special deposit after five years unless otherwise agreed; providing for payment of remaining balance; providing for supplementation of article by specified West Virginia laws; providing for promotion of uniformity; and providing applicability after effective date"; 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. 482 - "A Bill to amend and reenact §6B-2-2 of the Code of West Virginia, 1931, as amended; and to repeal §6B-2A-1 of said code, relating to the rule-making authority of the Ethics Commission; authorizing the Ethics Commission to propose legislative rules to carry out purposes of chapter; and requiring disclosure forms, statements, and reports required by chapter to be made in a manner prescribed by legislative rule"; 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. 503 - "A Bill to amend and reenact §18B-20-5 of the Code of West Virginia, 1931, as amended, relating to prohibiting state institutions of higher education from discriminating against student organizations which limit membership to those persons who adhere to the organization's sincerely held beliefs, comply with the organization's standards of conduct, and further the organization's mission, expression, or purpose"; which was referred to the Committee on Education.

A message from the Senate, by

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

Com. Sub. for S. B. 544, Raising threshold for bid requirement of municipal public works projects.

A message from the Senate, by

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

Com. Sub. for S. B. 618 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-37-1, §22-37-2, §22-37-3, §22-37-4, §22-37-5, §22-37-6, §22-37-7, and §22-37-8, all relating to authorizing Division of Forestry to administer Carbon Exchange Program; outlining scope of Carbon Exchange Program; and providing program requirements for Carbon Exchange Program"; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 679 - "A Bill to amend and reenact §11-16-23 of the Code of West Virginia, 1931, as amended; to amend and reenact §19-12E-12 of said code; to amend and reenact §19-12F-1, §19-12F-3, §19-12F-4, §19-12F-5, §19-12F-6, §19-12F-7, §19-12F-8, §19-12F-9, and §19-12F-11 of said code; and to amend said code by adding thereto a new section designated §19-12F-9a, to amend and reenact §60-7-13 of said code, all relating to regulation of select plant-based derivatives, including hemp-derived cannabinoid products, and regulation of kratom; amending the short title; clarifying findings; defining terms; requiring permits to manufacture, process, distribute, offer to sell, and sell regulated products; specifying regulatory authority of the Commissioner of Agriculture and the Alcohol Beverage Control Administration Commissioner; specifying funding requirements for nonintoxicating beer tax revenues; making technical corrections; specifying application of the Administrative Procedures Act for certain contested cases; specifying application fees for certain permits; specifying requirements for business registration certificate, nexus, jurisdiction, and taxation relating to remote interstate sales and distribution; specifying maintenance of lists by the Commissioner of Agriculture of permittees, approved products and entities, and persons who cease to be permitted; specifying labeling requirements; requiring age verification for certain sales; authorizing use of funds by the Commissioner of Agriculture and Alcohol Beverage Control Administration Commissioner; specifying application of Tax Commissioner's fee; authorizing memoranda of understanding and information sharing between Tax Commissioner, Commissioner of Agriculture and Alcohol Beverage Control Administration Commissioner; specifying administrative sanctions; authorizing the Alcohol Beverage Control Administration Commissioner to enforce regulation of the product at the retail level; authorizing enforcement actions involving agents of the Alcohol Beverage Control Administration Commissioner and persons acting upon the request, direction, or control of law-enforcement agencies; clarifying Alcohol Beverage Control Administration Commissioner's authority over alcohol licensees selling kratom and hemp-derived cannabinoid products; specifying transfer of excess Alcohol Beverage Control Enforcement Fund money; and specifying criminal penalties related to crimes relating to regulated products"; 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. 686 - "A Bill to amend and reenact §29-12-5 of the Code of West Virginia, 1931, as amended, relating to actions for damages or attorney's fees in cases involving Board of Risk and Insurance Management; clarifying that no action for damages or attorney's fees under *Shamblin v. Nationwide Mut. Ins. Co.*, 183 W. Va. 585 (1990) shall be awardable or cognizable against the

board or any person employed by the board or any entity with which the board has contracted to administer the board's programs; and providing for retrospective application to all pending claims and actions"; 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. 717 - "A Bill to amend and reenact §16-9A-1, §16-9A-2, §16-9A-3, §16-9A-4, §16-9A-7, and §16-9A-8 of the Code of West Virginia, 1931, as amended, all relating to tobacco products; amending legislative intent; defining terms; prohibiting sale or gift of tobacco products to persons younger than 21 years of age; setting forth fines and criminal penalties; removing penalties for possession of a tobacco product by a person younger than the age of 21; providing that an employee who sells a tobacco product to a person younger than 21 years of age is subject to noncriminal, nonmonetary penalties; allowing an employee who sells a tobacco product to a person younger than 21 years of age to be fired under certain circumstances; permitting persons younger than 21 years of age to be used in inspections of retail outlets where tobacco products are sold; removing the West Virginia Alcohol Beverage Control Administration as an agency with authority to conduct inspections; designating the Bureau for Behavioral Health as one of the agencies to conduct inspections; removing the requirement for the West Virginia Alcohol Beverage Control Administration to submit a report; requiring the Commissioner of the Bureau for Behavioral Health to submit a report; and amending language regarding vending machines to conform to the increased age requirement"; 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. 732 - "A Bill to amend and reenact §15-10-7 of the Code of West Virginia, 1931, as amended, relating to cooperation between law-enforcement agencies and military authorities; providing prosecuting attorneys may assign an assistant prosecutor to provide assistance to the National Guard or other military authority within the state; providing that law enforcement shall share certain information with military authorities regarding military members; and establishing purpose of the amendments"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

S. B. 726 - "A Bill to amend and reenact §5A-6-1, §5A-6-3, and §5A-6-4 of the Code of West Virginia, 1931, as amended; and to repeal §5A-7-1, §5A-7-2, §5A-7-3, §5A-7-4, §5A-7-4a, §5A-7-5, §5A-7-6, §5A-7-7, §5A-7-8, §5A-7-9, §5A-7-10, and §5A-7-11 of said code, all relating to combining the Information Services and Communications Division with the West Virginia Office of Technology; transferring funds from the Information Systems and Communications Division to the Office of Technology; closing funds and transferring unexpended balances; authorizing the Chief Information Officer to conduct requisition reviews; authorizing the Chief Information Officer to collect a fee for services provided to other public bodies; authorizing the Chief Information Officer to provide guidance and technology to support electronic data retention; and requiring the Chief Information Officer to provide mail service for state spending units"; 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. 755 - "A Bill to amend and reenact §16-9E-1, §16-9E-2, §16-9E-3, §16-9E-4, §16-9E-5, §16-9E-6, and §16-9E-7 of the Code of West Virginia, 1931, as amended, all relating to the delivery sales of tobacco products; expanding article to regulate all tobacco products; defining terms; clarifying that delivery sale may be via Internet website or mobile application; clarifying that a delivery sale of delta-8 tetrahydrocannabinol, delta-10 tetrahydrocannabinol, or kratom products is prohibited; raising legal minimum age for delivery sale of tobacco product to 21 years of age; prohibiting delivery sales of tobacco products to underage individuals; requiring delivery sales of tobacco products to comply with certain requirements; prohibiting persons from accepting a purchase order, selling, mailing, delivering, or causing to be delivered certain tobacco products without complying with certain applicable requirements for age verification, shipping, labeling, registration, and reporting; authorizing use of check box for confirming certain purchaser information to make purchase order for delivery sale of tobacco products via Internet website or mobile application if certain criteria met; requiring collection and remission of applicable excise taxes; and establishing criminal penalties for violations of article"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 766 - "A Bill to amend and reenact §31-2A-2 of the Code of West Virginia, 1931, as amended, relating to relieving a railroad company of any liability for injury to any person using a crossing during a parade where the train is stopped during the parade"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 769 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-21, relating to prohibiting certain medical practices; prohibiting medical providers from performing pelvic, rectal, or breast exams on an anesthetized or unconscious patient except in specified circumstances; providing criminal penalties; providing medical license penalties; and establishing an effective date"; which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

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

S. B. 803 - "A Bill to amend and reenact §11-4-3 of the Code of West Virginia, 1931, as amended, relating to assessment of real property; providing that real property occupied by an immediate family member or former spouse of the owner exclusively for residential purposes be included in class two for assessment and taxation purposes; and further defining "immediate family member"; 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. 805 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-29a, relating to residential substance use disorder treatment facilities; prohibiting payment to facilities that do not meet certain requirements; requiring licensure; requiring accreditation; requiring the Bureau for Medical Services to make necessary filings; setting forth specific timeframe to obtain licensure and accreditation; requiring residential substance use disorder treatment facility to obtain accreditation within one year of operation; providing provisions for operation at a new site or new ownership; requiring a report; stating licensed treatment beds are subject to specific provisions; providing for rulemaking; and providing a sunset date"; 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. 813 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25f, relating to allowing students to participate in non-school athletic activities"; 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. 816 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-19A-1, §29-19A-2, §29-19A-3, §29-19A-4, and §29-19A-5, all relating to the Truth in Giving Act; providing a short title and purpose; defining terms; requiring certain information to be disclosed by thrift operators to donors and customers; specifying manner of disclosure; authorizing the Secretary of State to investigate violations; establishing criminal and civil penalties; providing for deposit of recovered funds; and authorizing Secretary of State to promulgate legislative rules"; 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. 820 - "A Bill to amend and reenact §9-5-29 of the Code of West Virginia, 1931, as amended, relating to substance abuse; defining terms; requiring the Department of Human Services to develop performance measures; stating the Department of Human Services will obtain input from specified stakeholders regarding provider-level outcome measures; to receive input establishing deadlines; requiring reporting; requiring the department to develop a quality withhold program; establishing deadlines; and requiring the department to develop a workplan for automatic day one enrollment to a managed care organization for all Medicaid enrollees who are eligible for managed care"; 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. 826 - "A Bill to amend and reenact §7-6-2 of the Code of West Virginia, 1931, as amended, relating to creating an exemption from the bond or security requirement of banking institutions holding funds for a county commission in excess of the amount insured by an agency of the federal government by allowing for the redeposit of the funds through a deposit placement program that meets certain conditions"; 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. 837 - "A Bill to amend and reenact §51-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing Public Defender Corporations, until July 1, 2025, to reorganize its offices to conform the circuit reconfiguration enacted during the 2023 Regular Session of the Legislature"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect January 1, 2025, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 841 - "A Bill to amend and reenact §21A-1A-28 of the Code of West Virginia, 1931, as amended; to amend and reenact §21A-6-1d and §21A-6-10 of said code; to amend and reenact §21A-6A-4 and §21A-6A-5 of said code; and to amend §21A-6B-6 of said code; all relating to the amount of unemployment taxes and benefits; removing definitions; modifying the calculation of the taxable wage base; modifying methodology for calculating the maximum benefit rate; requiring work search activities to qualify for unemployment benefits; defining what constitutes work search activities; mandating submittal of proof of work search activities; providing for verification of work search activities; granting commissioner of Workforce West Virginia discretion in verification of work search activities; mandating establishment of process to refer individuals seeking unemployment benefits to job opportunities; requiring individuals receiving referrals to suitable work to apply for and accept that work; mandating employers to report refusal of offer of employment to commissioner; allowing individuals who accept part-time non-suitable employment to receive unemployment benefits without reduction for wages under certain circumstances; making certain individuals applying for or receiving unemployment benefits exempt from work search requirements; establishing process for notification of work search activity requirements; requiring rulemaking; setting internal effective date; modifying the total extended benefit amount; and modifying the short-time compensation weekly benefit amount"; 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. 850 - "A Bill to amend and reenact §46A-6N-1, §46A-6N-4, §46A-6N-6, §46A-6N-7, and §46A-6N-9 of the Code of West Virginia, 1931, as amended, all relating to consumer litigation financing; defining terms; adding term; removing commercial tort claims exclusion from definition of litigation financing; excluding certain non-profit organizations from the

definition of litigation financing; prohibiting assignment of litigation financing contract in certain instances; requiring disclosure of third-party litigation financing agreements to parties; clarifying who is to provide disclosure of third-party litigation financing agreements; and establishing cap for the annual fee a litigation financier may charge a natural person"; 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

S. B. 858 - "A Bill to amend and reenact §11-3-2a, §11-3-15b, §11-3-15c, §11-3-15d, §11-3-15e, §11-3-15f, §11-3-15g, §11-3-15h, §11-3-15i, §11-3-23a, §11-3-24, §11-3-24a, and §11-3-25b of the Code of West Virginia, 1931, as amended, all relating to clarifying filing requirements and deadlines for county assessors, county commissions, and the Office of Tax Appeals in property tax cases; and further clarifying the Office of Tax Appeals has jurisdiction over property tax cases"; 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. 866 - "A Bill to amend and reenact §12-6-4 of the Code of West Virginia, 1931, as amended, relating generally to West Virginia Investment Management Board governance, designating the State Treasurer as chairman of the board; requiring the chairman to appoint the chief executive officer of the board subject to board approval; providing that the chief executive officer will serve until appointment of a successor, resignation, or board removal; authorizing the chairman to appoint a temporary chief executive officer without board approval to fill a vacancy for a period of time; and providing an internal effective date"; 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. 874 - "A Bill to amend and reenact §17-16F-1, §17-16F-3, §17-16F-4, and §17-16F-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §17-16F-10a, §17-16F-10b, and §17-16F-10c, all relating to the West Virginia Division of Multimodal Transportation; providing for additional legislative findings; modifying definitions; authorizing division to create local port authority districts; authorizing division to propose legislative rules for application process for creation of local port authority districts; providing that political subdivisions and certain joint ventures may create local port authority districts in accordance with a certain procedure; establishing an application and approval process for creation of local port authority districts; directing division to make certain considerations relating to creation of local port authority districts; providing for creation of board of directors for local port authority districts and membership composition; authorizing board to exercise certain powers; and directing board to prepare a certain annual plan"; 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 875 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §29-12-15 and §29-12-16, all relating to liability or other insurance coverage provided by the Board of Risk and Insurance Management to any entity for which such coverage is permissive under state code; placing a moratorium on providing new or additional property or liability coverage to any entity for which such coverage is permissive under state code except county boards of education, public charter schools, and certain other persons and entities for which coverage by the board is mandatory; and authorizing the board to non-renew insurance coverage to any entity for which such coverage is permissive under state code"; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the adoption, as amended, of

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

A message from the Senate, by

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

Com. Sub. for S. J. R. 6 – "Proposing an amendment to the Constitution of the State of West Virginia, amending section 47, article VI thereof, relating to authorizing the incorporation of religious denominations; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment."

A message from the Senate, by

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

S. J. R. 10 – "Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to providing for a homestead exemption for veterans with 90 percent or greater service-connected disabilities; numbering and designating such proposed amendment; and providing a summarized statement of such proposed amendment."

Special Calendar

Unfinished Business

H. R. 9, Reaffirming the longstanding sisterhood partnership between West Virginia and Taiwan; coming up in regular order, as unfinished business, was read by the Clerk.

On the question of the adoption of the resolution, the yeas and nays were demanded, which demand was sustained. The yeas and nays having been ordered, they were taken (**Roll No. 405**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Dillon.

Absent and Not Voting: Ellington, Green, Kimble and Longanacre.

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

Third Reading

S. B. 240, Increasing fees charged by sheriff; 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. 406**), and there were—yeas 91, nays 7, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Coop-Gonzalez, Dillon, Foster, Gearheart, Kump, Martin and C. Pritt.

Absent and Not Voting: Ellington and Green.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 240) passed.

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

S. B. 752, Authorizing Department of Agriculture to complete certain land transfers; 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. 407**), 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: Ellington and Green.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 752) passed.

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

Second Reading

S. B. 164, Relating generally to trespassing; on second reading, coming up in regular order, was read a second time.

An amendment was recommended by the Committee on the Judiciary, and adopted, by striking everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 3B. TRESPASS.

§61-3B-2. Trespass in structure or conveyance.

(a) Any person who knowingly enters in, upon, or under a structure or conveyance without being authorized, licensed, or invited, or having been authorized, licensed, or invited is requested

to depart by the owner, tenant, or the agent of the owner or tenant, and refuses to do so, is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than \$100.

(b) Notwithstanding the provisions of subsection (a) of this section, any person who, without permission, knowingly and willfully enters a structure which has a clear posting that the structure has been condemned by any municipal or county government as unfit for human habitation or use, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100, or confined in jail not more than six months, or both fined and confined: *Provided*, That for any first violation of this subsection offense of trespass on condemned property, a court may substitute community service or pretrial diversion in lieu of a fine or confinement for trespassing on condemned property.

(c) If the offender is armed with a firearm or other dangerous weapon while in the structure or conveyance, with the intent to do bodily injury to a human being in the structure or conveyance at the time the offender knowingly trespasses, the offender, notwithstanding the provisions of §61-7-1 of this code, is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$100 ~~nor more than \$500~~, or be confined in jail for not more than one year, or both fined and confined.

§61-3B-3. Trespass on property other than structure or conveyance.

(a) It is an unlawful trespass for any person to knowingly, and without being authorized, licensed, or invited, to enter or remain on any property, other than a structure or conveyance, as to which notice against entering or remaining is either given by actual communication to such person or by posting, fencing, or cultivation.

(b) *First offense conviction.* — Upon a first trespassing conviction pursuant to subsection (a) of this section, the person is guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$500.

(c) *Second offense conviction.* — Upon a second trespassing conviction pursuant to subsection (a) of this section, the person is guilty of a misdemeanor and shall be fined not less than \$500 nor more than \$1,000.

(d) *Third offense conviction.* — Upon a third and subsequent trespassing conviction pursuant to subsection (a) of this section, the person is guilty of a misdemeanor and shall be fined not less than \$1,000 nor more than \$1,500.

(e) If the offender defies an order to leave, personally communicated to him or her by the owner, tenant, or agent of ~~such~~ the owner or tenant, or if the offender opens any door, fence, or gate, and thereby exposes animals, crops, or other property to waste, destruction, or freedom, or causes any damage to property by such trespassing on property other than a structure or conveyance, he or she is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$500, confined in jail for not more than six months, or both fined and confined.

(f) If the offender is armed with a firearm or other dangerous weapon with the unlawful and felonious intent to do bodily injury to a human being during his or her commission of the offense of trespass on property other than a structure or conveyance, ~~such~~ the offender, notwithstanding §61-7-1 of this code, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than six months, fined not ~~more~~ less than \$100, or both confined and fined.

~~(g) Notwithstanding and in addition to any other penalties provided by law, any person who performs or causes damage to property in the course of a willful trespass shall be liable to the property owner in the amount of twice the amount of such damage. However, this article shall not apply in a labor dispute~~

(g) Nothing in this section shall be construed to prevent lawful assembly and petition for the lawful redress of grievances, during any dispute, including, but not limited to, activities protected by the West Virginia Constitution, or the United States Constitution, or any statute of this state or the United States.

§61-3B-6. Mine trespass; penalties.

(a) A person who willfully enters an underground coal mine, whether active workings, inactive workings, or abandoned workings, without permission, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a correctional facility not less than one year and nor more than 10 years and shall be fined not less than \$5,000 nor more than \$10,000: *Provided*, That for any conviction pursuant to this subsection, any inactive or abandoned underground workings must be either: (1) Sealed; or (2) clearly identified by signage at some conspicuous place near the entrance of the mine that includes a notice that the unauthorized entry into the mine is a felony criminal offense.

(b) A person who willfully enters a surface coal mine, whether active workings, inactive workings, or abandoned workings, without permission, and with the intent to commit a felony or any larceny, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail not less than one week and not more than one month and shall be fined not less than \$1,000 nor more than \$5,000. For a second conviction, pursuant to this subsection, the person shall be guilty of a felony and shall be ~~confined~~ imprisoned in a correctional facility not less than one year and not more than five years and shall be fined not less than \$5,000 nor more than \$10,000. For a third or subsequent conviction, pursuant to this subsection, the person shall be guilty of a felony and shall be imprisoned in a correctional facility not less than five years and not more than 10 years and shall be fined not less than \$10,000 nor more than \$25,000.

(c) If a person violates subsections (a) or (b) of this section, and during any rescue efforts for ~~any such that~~ person there occurs an injury that causes substantial physical pain, illness, or any impairment of physical condition to any person other than himself or herself, then that person is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than one week and not more than one year and shall be fined not less than \$1,000 nor more than \$5,000: *Provided*, That ~~such~~ the jail term shall include actual confinement of not less than seven days.

(d) If a person violates subsections (a) or (b) of this section, and during any rescue efforts for ~~any such that~~ person there occurs an injury that creates a substantial risk of death, causes serious or prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ to any person other than himself or herself, then that person is guilty of a felony and, upon conviction thereof, shall be imprisoned in a correctional facility for not less than two nor more than 10 years and shall be fined not less than \$5,000 nor more than \$10,000.

(e) If a person violates subsections (a) or (b) of this section, and during any rescue efforts of such person, the death of any other person occurs, then that person is guilty of a felony and, upon

conviction thereof, shall be imprisoned in a correctional facility for not less than three nor more than 15 years and shall be fined not less than \$10,000 nor more than \$25,000.

~~(f) Notwithstanding and in addition to any other penalties provided by law, any person who performs or causes damage to property in the course of a willful trespass in violation of this section is liable to the property owner in the amount of twice the amount of such damage~~

~~(g)~~(f) The terms "mine", "active workings", "inactive workings", and "abandoned workings" have the same meaning ascribed to such terms them as set forth in §22A-1-2 of this code.

~~(h)~~(g) Nothing in this section shall be construed to prevent lawful assembly and petition for the lawful redress of grievances, during any dispute, including, but not limited to, activities protected by the West Virginia Constitution, or the United States Constitution, or any statute of this state or the United States.

§61-3B-7. Animal or crop facilities trespass; penalties; injunctive relief.

(a) As used in this section:

(1) 'Animal' means poultry, livestock, domestic animals, and captive cervids owned and possessed by persons licensed pursuant to §19-2H-1 *et seq.* of this code. The term does not include an animal used for illegal gaming.

(2) 'Animal or crop facility' means a facility that is used in the production, management, sale, or processing of animals or crops. The term includes, but is not limited to:

(A) A building, greenhouse, structure, laboratory, pasture, field, paddock, pond, impoundment, or premises where animals or crops are located;

(B) A managed bee colony;

(C) A livestock market;

(D) A facility used for the preparation of, or processing of, animals, crops, or value-added foods for sale; and

(E) A facility used to carry out any agritourism activity, as that term is defined and used in §19-36-1 *et seq.* of this code.

(3) 'Crop' means a shrub, vine, tree, seedling, shoot, slip, or other plant capable of producing food, fiber, medicine, nursery stock, floral products, or aesthetic beauty.

(b) Any person who willfully trespasses on the property of another which constitutes an animal or crop facility with the intent to commit larceny, destroy property, or disrupt the operation of the facility is guilty of willful trespass upon an animal or crop facility.

(c) Any person who conspires with one or more persons to violate subsection (b) of this section and commits an overt act in furtherance thereof is guilty of conspiracy to willfully trespass upon an animal or crop facility.

(d) Any person who violates subsection (b) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than \$1,000 or confined in jail not more than 30 days, or both fined and confined.

(e) Notwithstanding the provisions of subsection (d) of this section, any person convicted of a second or subsequent violation of subsection (b) or a violation of subsection (c) of this section is guilty of a felony and, upon conviction thereof, shall be fined not less than \$5,000 nor more than \$10,000 or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

~~(f) Notwithstanding and in addition to any other penalties provided by law, any person who performs, or causes damage to property in the course of, a willful trespass in violation of this section is liable to the owner or operator of the animal or crop facility in the amount of twice any damage caused~~

~~(g)~~(f) The owner or operator of an animal or crop facility may bring an action for injunctive relief against a person who engages in, or threatens to engage in, conduct that constitutes a violation of this section:

(1) The action may be brought in the circuit court of any county in which any part of the conduct or threatened conduct occurs or is threatened to occur.

(2) The circuit court may grant any appropriate injunctive relief to prevent or abate the conduct or threatened conduct, including a temporary restraining order, preliminary injunction, or permanent injunction.

(3) The circuit court may issue injunctive relief without the owner or operator of an animal or crop facility giving security for its issuance.

§61-3B-8. Liability for damages; deferred judgment; dismissal.

(a) As applicable to this article, notwithstanding and in addition to any other penalties provided by law, any person who performs or causes damage to property in the course of a willful trespass shall be liable to the property owner in the amount of twice the amount of such damage, including the cost of cleanup.

(b) Notwithstanding any provision of this code to the contrary, a court presiding over a misdemeanor violation of this article may defer entry of the judgment of conviction for a period not to exceed six months and if the damages authorized by subsection (a) of this section are paid within that time period, dismiss the charge."

The bill was then ordered to third reading.

Com. Sub. for S. B. 370, Updating Public Employees Grievance Board procedure that certain decisions be appealed to Intermediate Court of Appeals; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 451, Directing Prosecuting Attorneys Institute to make training available to certain new prosecuting attorneys; on second reading, coming up in regular order, was read a second time.

An amendment was recommended by the Committee on the Judiciary, and adopted, by striking everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 4. PROSECUTING ATTORNEY, REWARDS, AND LEGAL ADVICE.

§7-4-6. West Virginia Prosecuting Attorneys Institute.

(a) There is continued the West Virginia Prosecuting Attorneys Institute, a public body whose membership shall consist of the 55 elected county prosecuting attorneys in the state. The Institute shall meet at least once each calendar year and the presence of 28 of the 55 prosecutors at any meeting constitutes a quorum for the conduct of the Institute's business.

(b) There is continued the executive council of the West Virginia Prosecuting Attorneys Institute, which shall consist of seven prosecuting attorneys elected by the membership of the West Virginia Prosecuting Attorneys Institute at its annual meeting and two persons appointed annually by the county commissioner's association of West Virginia. The executive council shall elect one member of the council to serve as chairman of the institute for a term of one year without compensation. The executive council shall serve as the regular executive body of the institute.

(c) There is continued the position of Executive Director of the West Virginia Prosecuting Attorneys Institute to be employed by the executive council of the institute. The executive director of the West Virginia Prosecuting Attorneys Institute shall serve at the will and pleasure of the executive council of the institute. The executive director shall be licensed to practice law in the State of West Virginia and shall devote full time to his or her official duties and may not engage in the private practice of law.

(d) The duties and responsibilities of the institute, as implemented by and through its executive council and its executive director, shall include the following:

(1) The provision for special prosecuting attorneys to pursue a criminal matter, a juvenile delinquency matter, or a matter involving child abuse neglect pursuant to Chapter 49 of this code, or in any matter ~~wherein~~ in which a special prosecutor previously appointed has failed to take any action ~~thereon~~ on the matter within such time as the executive director ~~deems~~ considers unreasonable, not to exceed three terms of court from the date on which the special prosecutor was appointed: *Provided*, That such replacement or original appointment may be any attorney with a license in good standing in this state in any county upon the request of a circuit court judge of that county and upon the approval of the executive council;

(2) The establishment and implementation of general and specialized training programs for prosecuting attorneys, their staffs and, where determined practical by the executive council and executive director, all statutorily authorized law-enforcement or investigative agencies of the state or its political subdivisions;

(3) The establishment of a training program for all newly appointed, newly elected, or newly hired prosecuting attorneys, or assistant prosecuting attorneys, which all newly appointed, newly elected, or newly hired prosecuting attorneys, or assistant prosecuting attorneys, shall be required to complete;

~~(3)~~ (4) The provision of materials for prosecuting attorneys and their staffs, including legal research, technical assistance, and technical and professional publications;

(4)(5) The compilation and dissemination of information on behalf of prosecuting attorneys and their staffs on current developments and changes in the law and the administration of criminal justice;

(5)(6) The establishment and implementation of uniform reporting procedures for prosecuting attorneys and their professional staffs in order to maintain and to provide accurate and timely data and information relative to criminal prosecutorial matters;

(6)(7) The acceptance and expenditure of grants, moneys for reimbursement of expenses, gifts, and acceptance of services from any public or private source;

(7)(8) The entering into of agreements and contracts with public or private agencies, groups, organizations, or educational institutions;

(8)(9) The identification of experts and other resources for use by prosecutors in criminal matters;

(9)(10) The recommendation to the Legislature or the Supreme Court of Appeals of the State of West Virginia on measures required, or procedural rules to be promulgated, to make uniform the processing of juvenile cases in the 55 counties of the state; and

(10)(11) The development of a written handbook for prosecutors and their assistants to use which delineates relevant information concerning the elements of various crimes in West Virginia and other information the institute considers appropriate.

(e) Each prosecuting attorney is subject to appointment by the institute to serve as a special prosecuting attorney in any county where the prosecutor for that county or his or her office has been disqualified from participating in a particular criminal case, a juvenile delinquency matter, or a matter involving child abuse neglect pursuant to Chapter 49 of this code, or in any matter wherein in which a special prosecutor previously appointed has failed to take any action ~~thereon~~ on the matter within such time as the executive director ~~deems~~ considers unreasonable, not to exceed three terms of court from the date on which the special prosecutor was appointed: *Provided*, That such replacement or original appointment may be any attorney with a license in good standing in this state. The circuit judge of any county of this state, who disqualifies the prosecutor or his or her office from participating in a particular criminal case, a juvenile delinquency matter, or a matter involving child abuse or neglect pursuant to chapter 49 of this code in that county, shall seek the appointment by the institute of a special prosecuting attorney to substitute for the disqualified prosecutor. The executive director of the institute shall, upon written request to the institute by any circuit judge as a result of disqualification of the prosecutor or for other good cause shown, and upon approval of the executive council, appoint a prosecuting attorney to serve as a special prosecuting attorney. The special prosecuting attorney appointed shall serve without any further compensation other than that paid to him or her by his or her county, except that he or she is entitled to be reimbursed for his or her legitimate expenses associated with travel, mileage, and room and board from the county to which he or she is appointed as a prosecutor. The county commission in which county he or she is special prosecutor is responsible for all expenses associated with the prosecution of the criminal action. ~~No~~ A person who is serving as a prosecuting attorney or an assistant prosecuting attorney of any county is not required to take an additional oath when appointed to serve as a special prosecuting attorney.

(f) The executive director of the institute shall maintain an appointment list that shall include the names of all 55 prosecuting attorneys and that shall also include the names of any assistant

prosecuting attorney who wishes to serve as a special prosecuting attorney upon the same terms and conditions as set forth in this section. The executive director of the institute, with the approval of the executive council, shall appoint special prosecuting attorneys from the appointment list for any particular matter giving due consideration to the proximity of the proposed special prosecuting attorney's home county to the county requesting a special prosecutor and giving due consideration to the expertise of the special prosecuting attorney.

(g) Each county commission shall pay, on a monthly basis, a special prosecution premium to the Treasurer of the state for the funding of the West Virginia Prosecuting Attorneys Institute. The monthly premiums shall be paid according to the following schedule:

MONTHLY PREMIUMS

Assessed Valuation of Property

of All Classes in the County

Category	Minimum	Maximum	Premium
A	\$1,500,000,000	Unlimited	\$400
B	\$1,000,000,000	\$1,499,999,000	\$375
C	\$ 800,000,000	\$ 999,999,000	\$350
D	\$ 700,000,000	\$ 799,999,000	\$325
E	\$ 600,000,000	\$ 699,999,000	\$300
F	\$ 500,000,000	\$ 599,999,000	\$250
G	\$ 400,000,000	\$ 499,999,000	\$200
H	\$ 300,000,000	\$ 399,999,000	\$150
I	\$ 200,000,000	\$ 299,999,000	\$100
J	-0-	\$ 199,999,000	\$ 50

(h) Upon receipt of a premium, grant, reimbursement or other funding source, excluding federal funds as provided in ~~article two, chapter four~~ §4-2-1 *et seq.* of this code, the Treasurer shall deposit the funds into a special revenue fund to be known as the West Virginia Prosecuting Attorneys Institute Fund. All costs of operating the West Virginia Prosecuting Attorneys Institute shall be paid from the West Virginia Prosecuting Attorneys Institute Fund upon proper authorization by the executive council or by the executive director of the institute and subject to annual appropriation by the Legislature of the amounts contained within the fund.

(i) The institute shall annually, by the first day of the regular Legislative session, provide the Joint Committee on Government and Finance with a report setting forth the activities of the institute and suggestions for legislative action.

(j) Neither the institute nor its employees acting in their employment capacity shall engage in activities before governmental bodies which advocate positions on issues other than those issues consistent with the duties of the institute set forth in subsection (d) of this section.”

The bill was then ordered to third reading.

S. B. 529, Including Salem University in PROMISE Scholarship program; on second reading, coming up in regular order, was read a second time.

An amendment was recommended by the Committee on Education, and adopted, after the enacting section, by striking out the remainder of the bill and inserting the following:

“§18C-7-3. Definitions.

(a) General. — For the purposes of this article, terms have the meaning ascribed to them in §18C-1-2 of this code, unless the context in which the term is used clearly requires a different meaning or a specific definition is provided in this section.

(b) Definitions. — (1) ‘Eligible institution’ means:

(A) A state institution of higher education as defined in §18B-1-2 of this code;

(B) ~~Alderson Broaddus University~~, Appalachian Bible College, Bethany College, Davis and Elkins College, the University of Charleston, West Virginia Wesleyan College and Wheeling University, all in West Virginia. Any institution listed in this subdivision ceases to be an eligible institution if it meets either of the following conditions:

(i) It loses regional accreditation; or

(ii) It changes its status as a private, not-for-profit institution;

(C) West Virginia Junior College and Salem University; and

(D) Any other public or private regionally accredited institution in this state approved by the commission.

(2) ‘Tuition’ means the quarter, semester or term charges imposed by an eligible state institution of higher education and, additionally, all mandatory fees required as a condition of enrollment by all students. For the purposes of this article, the following conditions apply:

(A) West Virginia University, Potomac State College and West Virginia University Institute of Technology are considered separate institutions for purposes of determining tuition rates; and

(B) The tuition amount paid by undergraduate health sciences students at West Virginia University is considered to be the same as the amount of tuition paid by all other West Virginia University undergraduate students.

(3) ‘Enrolled’ means either currently enrolled or in the process of enrolling in an eligible institution.”

The bill was then ordered to third reading.

Com. Sub. for S. B. 539, Creating cold case database; on second reading, coming up in regular order, was read a second time.

An amendment was recommended by the Committee on the Judiciary, and adopted, by striking everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 12. WEST VIRGINIA FUSION CENTER.

§15A-12-9. Cold case database.

(a) As used in this section:

‘CODIS’ means the Combined DNA Index System;

‘Cold case’ means any investigation into a qualifying crime, a missing person, or unidentified human remains where all investigative leads have been exhausted and the crime remains unsolved;

‘Database’ means the cold case database;

‘NAMUS’ means the National Missing and Unidentified Persons System;

‘NCIC’ means the National Crime Information Center;

‘NCMEC’ means the National Center for Missing and Exploited Children;

‘Qualifying crime’ means felony offenses set forth in §61-2-1 et seq., §61-3-1, §61-3-2, §61-3-7, §61-3C-14b, §61-3E-1 et seq., §61-8-1 et seq., §61-8A-1 et seq., §61-8B-1 et seq., §61-8C-1 et seq., and §61-8D-1 et seq. of this code; and

‘ViCAP’ means the Violent Crime Apprehension Program.

(b) The West Virginia Fusion Center shall develop a secure database that contains all information related to each cold case in any jurisdiction in the state.

(c) The West Virginia Fusion Center shall adopt policies and procedures to collect information for the database and for its maintenance.

(d) Each law-enforcement agency in the state and the State Fire Marshal’s Fire Investigation Division may provide the information required by the West Virginia Fusion Center for inclusion in the database for each cold case. Each law-enforcement agency and the office of the State Fire Marshal may maintain its physical evidence and investigation files for each cold case until the investigation is resolved.

(e) Information to be collected and maintained in the cold case database. – Each law-enforcement agency in the state and the Fire Marshal’s Fire Investigation Division may provide a written report or other information to the West Virginia Fusion Center for inclusion in the database containing the following:

(1) The victim's:

(A) Name;

(B) Gender;

(C) Race;

(D) Ethnicity; and

(E) Date of birth;

(2) The ViCAP number if the case has been entered into the ViCAP system;

(3) The NCMEC number if the case has been entered into the NCMEC system;

(4) Whether the case was entered into the NAMUS system;

(5) The NCIC number if entered into the NCIC system;

(6) The Medical Examiner case number;

(7) Whether a probative, unanalyzed suspect referenced DNA is available;

(8) Whether a probative crime scene DNA profile from the putative perpetrator has been uploaded to CODIS;

(9) Whether reference DNA from the victim is available;

(10) The West Virginia State Police Forensic Lab case number;

(11) The name of the agency investigating the case;

(12) The investigating agency's phone number;

(13) The agency case number;

(14) Whether the victim was a juvenile or adult victim at the time the crime occurred;

(15) The date the crime was reported to the investigating agency;

(16) The date or approximate date the victim was last seen;

(17) The date or approximate date of death;

(18) The cause or manner of death;

(19) The location where the body was found;

(20) Whether a weapon was used, and the type of weapon used;

(21) Whether the following evidence is available:

(A) Fingerprints;

(B) Palm prints;

(C) Latent prints;

(D) Dental records;

(E) Shell casings; or

(F) Other physical evidence;

(22) Whether a suspect or person of interest has been identified;

(23) Scars, marks, and tattoos and any other unique distinguishing features of any suspects or persons of interest;

(24) A case narrative; and

(25) Any other additional information that is pertinent to the case.

(f) The following information may be entered if applicable to either the victim or the suspect, but the law-enforcement agency shall specify which individual is being referenced:

(1) Vehicle information;

(2) Aliases;

(3) Associated case addresses;

(4) Associated phone numbers;

(5) Associated names;

(6) Case photos or composite drawings at the discretion of the investigating agency; and

(7) Any other additional information that is pertinent to the case.

(g) The West Virginia Fusion Center shall maintain the information contained within the database indefinitely.”

The bill was then ordered to 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. 173, Modifying certain guidelines for motor vehicle dealers, distributors, wholesalers, and manufacturers,

Com. Sub. for S. B. 292, Hunger-Free Campus Act,

S. B. 574, Supplemental appropriation to DOT, Division of Highways,

S. B. 696, Supplementing and amending appropriations to Department of Homeland Security, Division of Emergency Management,

S. B. 700, Supplementing and amending appropriations to Miscellaneous Boards and Commissions, Hospital Finance Authority,

S. B. 701, Supplementing and amending appropriations to Department of Education, School Construction Fund,

S. B. 703, Supplementing and amending appropriations to Department of Homeland Security, WV State Police,

S. B. 707, Supplementing and amending appropriations to Department of Commerce, Division of Natural Resources,

S. B. 708, Supplementing and amending appropriations to Department of Agriculture, WV Spay Neuter Assistance Fund,

S. B. 709, Supplementing and amending appropriations to Department of Arts, Culture and History, National Coal Heritage Area Authority,

S. B. 710, Supplementing and amending appropriations to State Board of Education, Aid for Exceptional Children,

S. B. 782, Defining deadlines for local permits and extensions for property development or improvement,

And,

S. B. 802, Updating consumer credit and protection laws on certain agricultural vehicles and equipment.

Leaves of Absence

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

At 12:10 p.m., on motion of Delegate Kimble, the House of Delegates recessed until 5:00 p.m.

* * * * *

Evening Session

* * * * *

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

In the absence of objection, the House returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

Delegate Anderson, Chair of the Committee on Energy and Manufacturing, submitted the following report, which was received:

Your Committee on Energy and Manufacturing has had under consideration:

S. B. 827, Providing definition for regional distribution and dismantling center of salvage yards,

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

Delegate Kelly, Vice-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. 613, WV Residential Mortgage Lender, Broker and Servicer Act,

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

Delegate Kelly, Vice-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. 152, Displaying official US motto in public schools,

S. B. 160, Updating language and increasing penalties for indecent exposure,

Com. Sub. for S. B. 504, Relating to felony offense of sexual intercourse, intrusion, or contact with student,

And,

Com. Sub. for S. B. 623, Requiring DMV to provide images of certain individuals to Secretary of State for voter identification purposes,

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

Delegate Criss, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 4025, Budget Bill,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4025 - "A Bill making appropriations of public money out of the Treasury in accordance with section 51, article VI of the Constitution,"

With the recommendation that the committee substitute do pass.

Delegate Clark, Vice-Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

Com. Sub. for S. B. 774, Mountain Bike Responsibility Act,

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

Delegate Criss, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 5457, Supplementing and amending appropriations to the Division of Human Services,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5457 - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2024, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024, by adding new items of appropriation. "

With the recommendation that the committee substitute do pass.

Delegate Criss, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 5449, Supplementing and amending appropriations to Health Facilities, William R. Sharpe Jr. Hospital and Mildred Mitchell-Bateman Hospital,

H. B. 5453, Supplementing and amending appropriations to the Division of Health, Central Office,

H. B. 5455, Supplementing and amending appropriations to the School Building Authority,

H. B. 5458, Supplementing and amending appropriations to the Higher Education Policy Commission, administration, control account,

H. B. 5471, Supplementing and amending appropriations to the Division of Administrative Services, Criminal Justice Fund,

S. B. 650, Supplementing and amending appropriations to Higher Education Policy Commission, Fairmont State University,

And,

S. B. 653, Supplementing and amending appropriations to School Building Authority, School Construction Fund,

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

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

By Delegates Criss, Hardy, Espinosa, Gearheart, Rowe, Hite, Mazzocchi, Rohrbach, Barnhart, Horst and Hott:

H. B. 5699 - "NOTE: The purpose of this supplemental appropriation bill is to add a new item of appropriation in the aforesaid account for the designated spending unit for expenditure during the fiscal year 2024."

*The full title was omitted from the committee report and is as follows:

H. B. 5699 – "A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Arts, Culture, and History, Division of Culture and History, fund 0293, fiscal year 2024, organization 0432, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024."

At 5:11 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, March 1, 2024.

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

SPECIAL CALENDAR

Friday, March 1, 2024

52nd Day

11:00 A.M.

THIRD 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

SECOND READING

- S. B. 173 - Modifying certain guidelines for motor vehicle dealers, distributors, wholesalers, and manufacturers
- Com. Sub. for S. B. 200 - Budget Bill
- Com. Sub. for S. B. 292 - Hunger-Free Campus Act
- S. B. 574 - Supplemental appropriation to DOT, Division of Highways
- S. B. 696 - Supplementing and amending appropriations to Department of Homeland Security, Division of Emergency Management
- S. B. 700 - Supplementing and amending appropriations to Miscellaneous Boards and Commissions, Hospital Finance Authority
- S. B. 701 - Supplementing and amending appropriations to Department of Education, School Construction Fund
- S. B. 703 - Supplementing and amending appropriations to Department of Homeland Security, WV State Police
- S. B. 707 - Supplementing and amending appropriations to Department of Commerce, Division of Natural Resources
- S. B. 708 - Supplementing and amending appropriations to Department of Agriculture, WV Spay Neuter Assistance Fund

- S. B. 709 - Supplementing and amending appropriations to Department of Arts, Culture and History, National Coal Heritage Area Authority
- S. B. 710 - Supplementing and amending appropriations to State Board of Education, Aid for Exceptional Children
- S. B. 782 - Defining deadlines for local permits and extensions for property development or improvement
- S. B. 802 - Updating consumer credit and protection laws on certain agricultural vehicles and equipment

FIRST READING

- Com. Sub. for S. B. 152 - Displaying official US motto in public schools
- S. B. 160 - Updating language and increasing penalties for indecent exposure
- Com. Sub. for S. B. 504 - Relating to felony offense of sexual intercourse, intrusion, or contact with student
- S. B. 613 - WV Residential Mortgage Lender, Broker and Servicer Act
- Com. Sub. for S. B. 623 - Requiring DMV to provide images of certain individuals to Secretary of State for voter identification purposes
- S. B. 650 - Supplementing and amending appropriations to Higher Education Policy Commission, Fairmont State University
- S. B. 653 - Supplementing and amending appropriations to School Building Authority, School Construction Fund
- Com. Sub. for S. B. 774 - Mountain Bike Responsibility Act
- S. B. 827 - Providing definition for regional distribution and dismantling center of salvage yards
- Com. Sub. for H. B. 4025 - Budget Bill
- H. B. 5449 - Supplementing and amending appropriations to Health Facilities, William R. Sharpe Jr. Hospital and Mildred Mitchell-Bateman Hospital
- H. B. 5453 - Supplementing and amending appropriations to the Division of Health, Central Office
- H. B. 5455 - Supplementing and amending appropriations to the School Building Authority
- Com. Sub. for H. B. 5457 - Supplementing and amending appropriations to the Division of Human Services

- H. B. 5458 - Supplementing and amending appropriations to the Higher Education Policy Commission, administration, control account
- H. B. 5471 - Supplementing and amending appropriations to the Division of Administrative Services, Criminal Justice Fund
- H. B. 5699 - Supplementing and amending appropriations to the Department of Arts, Culture, and History, Division of Culture and History

HOUSE CALENDAR

Friday, March 1, 2024

52nd Day

11:00 A.M.

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 S. B. 754 - Allowing car dealerships to utilize search engines to determine if buyers have valid motor vehicle insurance
- H. B. 5245 - Supplementing, amending, and increasing existing items of appropriation from the State Road Fund to the Department of Transportation, Division of Highways
- Com. Sub. for H. B. 5331 - Relating to boating safety education certificate

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

FRIDAY, MARCH 1, 2024

HOUSE CONVENES AT 11:00 A.M.

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

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

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

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

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

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