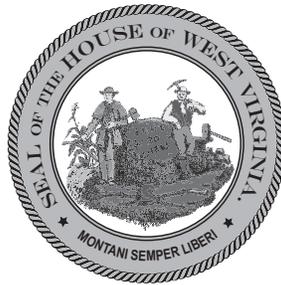


West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Sixth Legislature
Second Regular Session

Held at Charleston
Published by the Clerk of the House



March 1, 2024
FIFTY-SECOND DAY

Friday, March 1, 2024

FIFTY-SECOND DAY

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

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

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

The Clerk proceeded to read the Journal of Thursday, February 29, 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. 331, Com. Sub. for S. B. 603 and S. B. 712, on Third Reading, House Calendar, had been transferred to the Special Calendar.

Committee Reports

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. 675, Establishing accreditation deadline for convention and visitors bureaus,

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

In the absence of objection, reference of the bill (Com. Sub. for S. B. 675) to the Committee on Finance was abrogated.

**Messages from the Executive
and Other Communications**

The Clerk announced that H. B. 5006, H. B. 5261, Com. Sub. for H. B. 5267, Com. Sub. for H. B. 5273, S. B. 658 and Com. Sub. for S. B. 668 were presented to the Governor on February 29, 2024; and S. B. 172, Com. Sub. for S. B. 544 and S. B. 600 were presented to the Governor March 1, 2024.

Communications from His Excellency, the Governor, advised that on February 29, 2024, he approved S. B. 507, H. B. 4594, H. B. 4976, H. B. 5019, Com. Sub. for H. B. 5045, H. B. 5153 and Com. Sub. for H. B. 5157.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 4086, Authorizing certain agencies of the Department of Commerce to promulgate legislative rules.

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. 4233, Non-binary not permitted on birth certificates.

A message from the Senate, by

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

H. B. 4814, Relating to extending the reporting and sunset dates of the State Advisory Council on Postsecondary Attainment Goals.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

H. B. 4838, Require county boards of education to provide long-term substitute teachers, upon hiring, with certain information.

On motion of Delegate Householder, the House concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 2. SCHOOL PERSONNEL.

§18A-2-3. Employment of substitute teachers; and employment of retired teachers as substitutes in areas of critical need and shortage.

(a) The county superintendent, subject to approval of the county board, may employ and assign substitute teachers to any of the following duties:

(1) Fill the temporary absence of any teacher or an unexpired school term made vacant by resignation, death, suspension, or dismissal;

(2) Fill a teaching position of a regular teacher on leave of absence; and

(3) Perform the instructional services of any teacher who is authorized by law to be absent from class without loss of pay, providing the absence is approved by the board of education in accordance with the law.

The substitute shall be a duly certified teacher.

(b) Notwithstanding any other provision of this code to the contrary, a substitute teacher who has been assigned as a classroom teacher in the same classroom continuously for more than one half of a grading period and whose assignment remains in effect two weeks prior to the end of the grading period, shall remain in the assignment until the grading period has ended, unless the principal of the school certifies that the regularly employed teacher has communicated with and assisted the substitute with the preparation of lesson plans and monitoring student progress or has been approved to return to work by his or her physician. For the purposes of this section, teacher and substitute teacher, in the singular or plural, mean professional educator as defined in ~~section one, article one of this chapter~~ §18A-1-1 of this code.

(c) Persons who are hired as long-term substitute teachers shall be provided information by the county board relating to an IEP plan and 504 plan, detailing their uses and what those long-term substitute teachers should do to implement these plans upon their hiring.

~~(e)~~ (d) (1) The Legislature hereby finds and declares that due to a shortage of qualified substitute teachers, a compelling state interest exists in expanding the use of retired teachers to provide service as substitute teachers in areas of critical need and shortage. The Legislature further finds that diverse circumstances exist among the counties for the expanded use of retired teachers as substitutes.

(2) For the purposes of this subsection:

(A) 'Area of critical need and shortage for substitute teachers' means an area of certification and training in which the number of available substitute teachers in the county who hold certification and training in that area and who are not retired is insufficient to meet the projected need for substitute teachers; and

(B) "Teacher or substitute teacher" includes speech pathologists, school nurses, and school counselors.

(3) A person receiving retirement benefits under ~~article seven-a, chapter eighteen~~ §18-7A-1 et seq. of this code or who is entitled to retirement benefits during the fiscal year in which that person retired may accept employment as a critical needs substitute teacher for an unlimited number of days each fiscal year without affecting the monthly retirement benefit to which the retirant is otherwise entitled if the following conditions are satisfied:

(A) The county board adopts a policy recommended by the superintendent to address areas of critical need and shortage for substitute teachers;

(B) The policy sets forth the areas of critical need and shortage for substitute teachers in the county in accordance with the definition of area of critical need and shortage for substitute teachers set forth in subdivision (2) of this subsection;

(C) The policy provides for the employment of retired teachers as critical needs substitute teachers during the school year on an expanded basis in areas of critical need and shortage for substitute teachers as provided in this subsection;

(D) The policy provides that a retired teacher may be employed as a substitute teacher in an area of critical need and shortage for substitute teachers on an expanded basis as provided in

this subsection only when no other teacher who holds certification and training in the area and who is not retired is available and accepts the substitute assignment;

(E) The policy is effective for one school year only and is subject to annual renewal by the county board;

(F) The state board approves the policy and the use of retired teachers as substitute teachers on an expanded basis in areas of critical need and shortage for substitute teachers as provided in this subsection; and

(G) Prior to employment of a retired teacher as a critical needs substitute teacher beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board, the superintendent of the affected county submits to the state board in a form approved by the Consolidated Public Retirement Board and the state board, an affidavit signed by the superintendent stating the name of the county, the fact that the county has adopted a policy to employ retired teachers as substitutes to address areas of critical need and shortage, the name or names of the person or persons to be employed as a critical needs substitute pursuant to the policy, the critical need and shortage area position filled by each person, the date that the person gave notice to the county board of the person's intent to retire, and the effective date of the person's retirement. Upon verification of compliance with this section and the eligibility of the critical needs substitute teacher for employment beyond the post-retirement limit, the state board shall submit the affidavit to the Consolidated Public Retirement Board.

(4) Any person who retires and begins work as a critical needs substitute teacher within the same fiscal year in which that person retired shall lose those retirement benefits attributed to the annuity reserve, effective from the first day of employment as a retiree critical needs substitute teacher in that fiscal year and ending with the month following the date the retiree ceases to perform service as a critical needs substitute teacher.

(5) Retired teachers employed to perform expanded substitute service pursuant to this subsection are considered day-to-day, temporary, part-time employees. The substitutes are not eligible for additional pension or other benefits paid to regularly employed employees and may not accrue seniority.

(6) A retired teacher is eligible to be employed as a critical needs substitute teacher to fill a vacant position without any loss of retirement benefits attributed to the annuity reserve only if the retired teacher's retirement became effective before the first day of July preceding at least the fiscal year during which he or she is employed as a critical needs substitute teacher.

(7) When a retired teacher is employed as a critical needs substitute to fill a vacant position, the county board shall continue to post the vacant position until it is filled with a regularly employed teacher who is fully certified or permitted for the position.

(8) When a retired teacher is employed as a critical needs substitute to fill a vacant position, the position vacancy shall be posted electronically and easily accessible to prospective employees as determined by the state board.

(9) Until this subsection is expired pursuant to subdivision (10) of this subsection, the state board shall report to the Joint Committee on Government and Finance, prior to February 1 of each year, information indicating the effectiveness of the provisions of this subsection on reducing the critical need and shortage of substitute teachers including, but not limited to, the number of retired

teachers, by critical need and shortage area position filled and by county, employed beyond the post-retirement employment limit established by the Consolidated Public Retirement Board, the date that each person gave notice to the county board of the person's intent to retire, and the effective date of the person's retirement. A copy of the report shall also be provided to the Legislative Oversight Commission on Education Accountability.

(10) The provisions of this subsection shall expire on June 30, 2025.”

And,

By amending the title of the bill to read as follows:

H. B. 4838 - “A Bill to amend and reenact §18A-2-3 if the Code of West Virginia, 1931, as amended, relating to requiring county boards of education to inform persons, who are hired as long-term substitute teachers, about IEP and 504 plans, detailing their uses and what those long-term substitute teachers should do to implement these plans upon their hiring.”

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 408**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Dean, Dittman, Longanacre, Mazzocchi, Sheedy and Street.

So, a majority if the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4838) passed.

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

A message from the Senate, by

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

H. B. 5117, Relating generally to waiver of initial licensing fees for certain individuals.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with a title amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 5122, Relating to civil service for deputy sheriffs.

On motion of Delegate Householder, the House concurred in the following Senate title amendment:

Com. Sub. for H. B. 5122 – “A Bill to amend and reenact §7-14-8 and §8-14-12 of the Code of West Virginia, 1931, as amended, all relating to civil service for certain law enforcement officers; renumbering certain subsections; removing upper age restrictions for original appointment as deputy sheriff and reappointment of former deputy sheriff; clarifying requirements for

reappointment of former deputy sheriff; and removing upper age restrictions for original appointment as municipal police officer and reappointment of former municipal police officer.”

The bill as amended by the Senate, was then put upon its passage.

The yeas and nays having been ordered, they were taken (**Roll No. 409**), 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: Dean, Dittman, Mazzocchi, Sheedy and Street.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5122) passed.

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

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. 5175, Eliminate funding for the Center for Nursing and transfer its duties and authorities to the Higher Education Policy Commission.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 5395, Relating to judicial review of Board decisions.

On motion of Delegate Householder, the House concurred in the following amendment of the bill by the Senate:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 7. CLAIM PROCEDURE.

§21A-7-17. Finality of board's decision — Judicial review.

The decision of the board shall be final and benefits shall be paid or denied in accordance therewith, unless a claimant, last employer, or other interested party appeals to the ~~circuit court of Kanawha County~~ Intermediate Court of Appeals within ~~thirty~~ 30 days after mailing of notification of the board's decision: *Provided*, That, in cases relating to a disqualification under ~~subdivision (4) of section three of article six~~ §21A-6-3(4) of this code, the decision of the board shall be final and benefits shall be paid or denied in accordance therewith, unless a claimant, last employer, or other interested party appeals to the ~~circuit court of Kanawha County~~ Intermediate Court of Appeals within ~~twenty~~ 20 days after mailing of notification of the board's decision.

Parties to the proceedings before the board shall be made defendants in any such appeal; and the commissioner shall be ~~a necessary~~ an interested party to with the discretionary authority to appear in any such judicial review.

§21A-7-20. Board a necessary party to judicial action; legal counsel.

[Repealed.]

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 410**), 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: Dean, Dittman, Mazzocchi, Sheedy and Street.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5395) passed.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 4756, Creating a state Alzheimer's plan task force.

On motion of Delegate Householder, the House concurred in the following Senate amendment, with further amendment.

On page 2, section 8, line 40, by striking out the word "shall" and inserting in lieu thereof the word "may";

On page 5, section 8, line 107, by striking out the words "July 31, 2026" and inserting in lieu thereof the words "January 1, 2029";

And,

On page 5, section 8, after line 107, by adding thereto two new subsections, designated subsections (k) and (l), to read as follows:

(k) By December 1 of each year, the council shall submit to the Governor and the Joint Committee on Health an annual report on the implementation of the State Alzheimer's Plan recommendations and any barriers to implementation.

(l) Every four years, the council shall issue an updated State Alzheimer's Plan addressing the items in subsection (h) and any other issues the council deems necessary and relevant toward addressing Alzheimer's and dementia."

With the further amendment, sponsored by Delegate Householder, being as follows:

On page 1, after the word, "may" by striking the semi-colon inserting a period and striking the remainder of the amendment.

The bill, as amended by the Senate, and further amended by the House, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 411**), 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: Dean, Mazzocchi, Sheedy and Street.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4756) passed.

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

On this question, the yeas and nays were taken (**Roll No. 412**), 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: Dean, Mazzocchi, Sheedy and Street.

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. 4756) takes effect from its passage.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

H. B. 4860, Providing that a general education teacher may not be responsible for accommodation logs.

On motion of Delegate Householder, the House concurred in the following Senate amendment, with further amendment.

On pages 2 and 3, section 1c, by striking out all of subdivision (2) and inserting in lieu thereof a new subdivision (2), to read as follows:

(2) Make accommodations and modifications for the student, if needed or identified, to help the student succeed in the class or program: *Provided*, That the general education teacher shall utilize the supplementary services documentation sheet on days when accommodations were made. All accommodations of the students shall be discussed before placement, and it is the responsibility of the general education and special education instructor to monitor the student's progress.

This requirement includes, but is not limited to, teachers of music, musical education, art, driver education and other instruction offered.”

And,

By amending the title of the bill to read as follows:

H. B. 4860 - “A Bill to amend and reenact §18-20-1c of the Code of West Virginia, 1931, as amended, relating to education of exceptional children in an integrated classroom; and providing that the general education teacher shall utilize the supplementary services documentation sheet on days when accommodations were made.”

With the further amendment, sponsored by Delegate Ellington, being as follows:

By striking out the proviso, and inserting in lieu thereof, the following:

“Provided, That the general education teacher shall not be responsible for daily accommodation logs. The general education teacher shall only be responsible for acknowledging, at the end of each grading period, that each accommodation as required by the IEP has been met. All accommodations of the students shall be discussed before placement and it is the responsibility of the special education instructor to monitor progress: Provided further, That parents and guardians may request daily accommodation logs.”

The bill, as amended by the Senate, and further amended by the House, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 413**), and there were—yeas 91, nays 6, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Espinosa, Fluharty, Hite, Lewis, Rowe and Steele.

Absent and Not Voting: Mazzocchi, Sheedy and Street.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4860) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 4874, Relating to fatality and mortality review team.

On motion of Delegate Householder, the House concurred in the following amendment of the bill by the Senate:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 12A. FATALITY AND MORTALITY REVIEW TEAM.

§61-12A-1. Fatality and Mortality Review Team.

(a) The Fatality and Mortality Review Team is ~~created~~ continued under the ~~Bureau for Public Health Department of Health~~. The Fatality and Mortality Review Team is a multidisciplinary team created to oversee and coordinate the examination, review, and assessment of:

(1) ~~The deaths of all persons in West Virginia who die as a result of unintentional prescription or pharmaceutical drug overdoses;~~

(2) ~~The deaths of children under the age of eighteen years;~~

(3) The deaths resulting from suspected domestic violence; and

(4) The deaths of all infants and all women who die during pregnancy, at the time of birth, or within one year of the birth of a child, and the deaths of children under 18 years of age;

(b) The Fatality and Mortality Review Team shall consist of the following members:

(1) ~~The Chief Medical Examiner in the Bureau for Public Health or his or her designee, The state health officer, who is to serve as the chairperson and who is responsible for calling and coordinating at least quarterly, or more often, if needed, meetings of the Fatality and Mortality Review Team; and meetings of any advisory panel created by the Fatality and Mortality Review Team~~

(2) The Commissioner of the Bureau for Public Health or his or her designee;

(3) The Superintendent of the West Virginia State Police or his or her designee; ~~and~~

(4) A prosecuting attorney, as appointed by the ~~Governor~~ Prosecuting Attorneys Institute, who shall serve for a term of three years unless otherwise reappointed. ~~to a second or subsequent term.~~ A prosecuting attorney appointed to the team shall continue to serve until his or her term expires or until his or her successor has been appointed;

(5) A designee of the Chief Medical Examiner;

(6) A designee selected by the Chair of the Minority Health Institute at Marshall University that has an expertise in the causes of the disproportionate high mortality rates of minority births in West Virginia;

(7) A designee of the Perinatal Partnership;

(8) A licensed physician with training in obstetrics, appointed by the state health officer;

(9) A licensed physician with training in neonatology, appointed by the state health officer;

(10) A hospital-based nurse with experience in obstetrics, labor and delivery, post-partum, or maternity care, appointed by the state health officer;

(11) A licensed nurse or physician with training in domestic violence, appointed by the state health officer; and

(12) Any additional persons may be added on a case-by-case basis when expertise is needed, as determined by the chair. The designee may change based upon the circumstances of each particular case.

(c) Each member shall serve without additional compensation and may not be reimbursed for any expenses incurred in the discharge of his or her duties under the provisions of this article.

§61-12A-2. Responsibilities of the Fatality and Mortality Review Team.

(a) The Fatality and Mortality Review Team shall: ~~establish the following advisory panels to carry out the purposes of this article, including~~

~~(1) An unintentional pharmaceutical drug overdose fatality review panel to examine, analyze, and review deaths resulting from unintentional prescription or pharmaceutical drug overdose;~~

~~(2) A child fatality review panel to examine, analyze, and review deaths of children under the age of 18 years;~~

~~(3) A domestic violence fatality review panel to examine, analyze, and review deaths resulting from suspected domestic violence; and~~

~~(4) An infant and maternal mortality review panel to examine, analyze, and review the deaths of infants and women who die during pregnancy, at the time of birth, or within one year of the birth of a child.~~

~~(b) The members of the Fatality and Mortality Review Team shall serve as members of each of the advisory panels established pursuant to this article.~~

~~(c) The Commissioner of the Bureau for Public Health, in consultation with the Fatality and Mortality Review Team, shall propose rules for legislative approval in accordance with §29A-3-1 et seq. of this code, that the advisory panels shall follow. Those rules shall include, at a minimum:~~

~~(1) The representatives that shall be included on each advisory panel;~~

~~(2) The responsibilities of each of the advisory panels, including but not limited to, each advisory panel's responsibility to:~~

~~(A) Review and analyze all deaths as required by this article the deaths resulting from suspected domestic violence, the deaths of all infants and all women who die during pregnancy, at the time of birth or within one year of the birth of a child, and the deaths of children under 18 years of age;~~

~~(B) Ascertain and document the trends, patterns, and risk factors; and~~

~~(C) Provide statistical information and analysis regarding the causes of certain fatalities; and~~

~~(3) The standard procedures for the conduct of the advisory panels;~~

~~(4) (D) The Establish processes and protocols for the review and analysis of fatalities and mortalities of those who were not suffering from mortal diseases shortly before death;~~

~~(5) The processes and protocols to ensure confidentiality of records obtained by the advisory panel;~~

~~(6) That the advisory panels must Submit a report to the Fatality and Mortality Review Team annually, the date the annual report must be submitted, and the contents of the annual report;~~

~~(7) That the advisory panel may include any additional persons with expertise or knowledge in a particular field that it determines are needed in the review and consideration of a particular case as a result of a death in §61-12A-1(a) of this code.~~

~~(8) That the advisory panel may provide training for state agencies and local multidisciplinary teams on the matters examined, reviewed, and analyzed by the advisory panel;~~

~~(9) The advisory panel's responsibility to promote public awareness on the matters examined, reviewed, and analyzed by the advisory panel~~

~~(10) (b) Actions the advisory panel team may not take or engage in, including:~~

~~(A) Call witnesses or take testimony from individuals involved in the investigation of a fatality;~~

~~(B) Contact a family member of the deceased, unless there is a clear public health interest which is approved by a majority vote of the team;~~

~~(C) Enforce any public health standard or criminal law or otherwise participate in any legal proceeding; or~~

~~(D) Otherwise take any action which, in the determination of a prosecuting attorney or his or her assistants, impairs the ability of the prosecuting attorney, his or her assistants or any law-enforcement officer to perform his or her statutory duties. and~~

~~(11) Other rules as may be deemed necessary to effectuate the purposes of this article.~~

~~(d) (c) The Fatality and Mortality Review Team shall submit an annual report to the Governor, the Office of the Inspector General, and to the Legislative Oversight Commission on Health and Human Resources Accountability concerning its activities ~~within the state and the activities of the advisory panels~~. The report is due annually starting on December 1, 2024, and shall reflect the previous year's data. The report is to include statistical information and an epidemiological analysis concerning cases reviewed during the year, trends and patterns concerning these cases and the team's recommendations to reduce the number of fatalities and mortalities that occur in the state.~~

~~(e) (d) The Fatality and Mortality Review Team may provide reporting to birth facilities, practitioners, and government entities to inform internal peer review activities of recommend changes to practices or policies. Such ~~The information shall be deemed~~ is confidential and shall be used only for peer review purposes.~~

§61-12A-3. Access to information; other agencies of government required to cooperate.

(a) Notwithstanding any other provision of this code to the contrary, the Fatality and Mortality Review Team ~~and the advisory panels established by the team pursuant to this article~~ may request information and records as necessary to carry out its responsibilities. Records and information that may be requested under this section include:

(1) Medical, dental, and mental health records;

(2) Substance abuse records to the extent allowed by federal law; and

(3) Information and records maintained by any state, county, and local government agency, except as provided in ~~subsection (c), section two of this article~~ §61-12A-2(b) of this code.

(b) State, county, and local government agencies shall provide the Fatality and Mortality Review Team ~~and the advisory panels established by the team~~ with any information requested in writing. ~~by the team or by an advisory panel.~~

§61-12A-4. Confidentiality.

(a) Proceedings, records, and opinions of the Fatality and Mortality Review Team ~~and the advisory panels established by the team pursuant to this article~~ are confidential and are not subject to discovery, subpoena, or introduction into evidence in any civil or criminal proceeding. This section does not limit or restrict the right to discover or use in any civil or criminal proceeding anything that is available from another credible source and entirely independent of the proceedings of the team. ~~or advisory panels.~~

(b) Members of the Fatality and Mortality Review Team ~~and members of the advisory panels established by the team~~ may not be questioned in any civil or criminal proceeding regarding information presented in or opinions formed as a result of a meeting of the team. This subsection does not prevent a member of the team ~~or an advisory panel~~ from testifying to information obtained independently of the team ~~or advisory panel~~ which is public information.

(c) Proceedings, records, and opinions of the Fatality and Mortality Review Team ~~and the advisory panels established by the team~~ are exempt from disclosure under the Freedom of Information Act as provided in ~~chapter 29B of this code.~~ §29B-1-1 et seq. of this code.

(d) Notwithstanding any other provisions to the contrary, the Fatality and Mortality Review Team may prepare a data compilation to be shared, on an annual basis or more often as needed, with the Centers for Disease Control and Prevention to study maternal mortality in an effort to reduce mortality rates. No individually identifiable records may be produced.

§61-12A-5. Required reporting and analysis.

[Repealed]"

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 4874 - "A Bill to amend and reenact §61-12A-1, §61-12A-2, §61-12A-3 and §61-12A-4, of the Code of West Virginia, 1931, as amended; and to repeal §61-12A-5 of said code, all relating to fatality and mortality review team; providing team members; providing timeframe for team have meetings; updating the authority of review team; removing the study of certain deaths; removing advisory boards; requiring certain reports; and eliminating required reporting and analysis."

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 414**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Mazzocchi, Sheedy and Street.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4874) passed.

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

On this question, the yeas and nays were taken (**Roll No. 415**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Mazzocchi, Sheedy and Street.

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. 4874) takes effect from its passage.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect July 1, 2024, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 4933, Relating to Medicaid dental coverage.

On motion of Delegate Householder, the House concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-12a. Medicaid program; dental care.

(a) The following terms are defined:

(1) "Cosmetic services" means dental work that improves the appearance of the teeth, gums, or bite, including, but not limited to, inlays or onlays, composite bonding, dental veneers, teeth whitening, or braces.

(2) "Diagnostic and preventative services" means dental work that maintains good oral health and includes oral evaluations, routine cleanings, x-rays, fluoride treatment, fillings, and extractions.

(3) "Restorative services" means dental work that involves tooth replacement, including, but not limited to, dentures, dental implants, bridges, crowns, or corrective procedures such as root canals.

(b) The Department of Human Services shall extend Medicaid coverage to adults ~~age~~ aged 21 and over covered by the Medicaid program for diagnostic and preventative dental services and restorative dental services, excluding cosmetic services. This coverage is limited to ~~\$1,000 each budget year~~ \$2,000 per two-year budget period. Recipients must pay for services over the ~~\$1,000 yearly limit.~~ \$2,000 limit. No provision in this section shall restrict the department in exercising new options provided by, or to be in compliance with, new federal legislation that further expands eligibility for dental care for adult recipients.

(c) The department is responsible for the implementation of, and program design for, a dental care system to reduce the continuing harm and continuing impact on the health care system in

West Virginia. The dental health system design shall include oversight, quality assurance measures, case management, and patient outreach activities. The department shall assume responsibility for claims processing in accordance with established fee schedules and financial aspects of the program necessary to receive available federal dollars and to meet federal rules and regulations. The department shall seek authority from the Centers for Medicare and Medicaid Services to implement the provisions of this section.

~~(d) The provisions of this section enacted during the 2020 regular legislative session shall only become effective upon approval from the federal Centers for Medicare and Medicaid Services of the provider tax as set forth in §11-27-10a of this code.~~

(d) On or before December 1 2027, the Bureau for Medical Services shall file a report with the Legislative Oversight Commission on Health and Human Resources Accountability and the Joint Committee on Government and Finance analyzing Medicaid expenditures related solely to the dental program for the plan year immediately prior to the passage of this legislation and each plan year until the date of submission of the required report. The report shall include at a minimum an analysis of the enrollees served, the state share of the Medicaid expenditures, and the federal share of expenditures.”

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 4933 – “A Bill to amend and reenact §9-5-12a of the Code of West Virginia, 1931, as amended, relating to Medicaid dental coverage; providing coverage is limited to \$2,000 per two-year budget period; providing recipients must pay for services over the \$2,000; and removing expired internal effective date.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 416**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Mazzocchi, Sheedy and Street.

So, a majority if the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4933) passed.

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

On this question, the yeas and nays were taken (**Roll No. 417**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Mazzocchi, Sheedy and Street.

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. 4933) takes effect July 1, 2024.

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

A message from the Senate, by
The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 5295, Authorizing a private outdoor designated area to simultaneously host multiple qualified permit holders.

Delegate Householder asked unanimous consent that the bill be taken up for immediate consideration, objection being heard.

Delegate Householder then so moved and the bill was taken up for immediate consideration.

On motion of Delegate Householder, the House concurred in the following Senate amendment, with further amendment.

On page one, striking out everything after the enacting clause and inserting in lieu thereof the following:

“CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND MUNICIPAL OFFICERS AND EMPLOYEES; SUITS AGAINST MUNICIPALITIES.

§8-12-26. Authorizing municipalities to create private outdoor designated areas.

(a) In addition to all other powers and duties conferred by law upon municipalities, municipalities are empowered and authorized to pass an ordinance establishing private outdoor designated areas as described in §60-7-8g of this code.

(b) The municipality shall include in the ordinance, at a minimum, ~~all~~ of the following:

(1) Requirements for the purpose of ensuring compliance with all state and municipal laws, and public health and safety within a private outdoor designated area;

(2) The proposed outdoor designated area or proposed licensed premises shall be indicated on a submitted map or survey in sufficient detail to identify the boundaries of the area, subject to the limitations in subsection (b) of this section;

(3) A general statement of the nature and types of qualified permit holders that may operate within the proposed outdoor designated area;

(4) That certain public property that is legally demarcated by the ordinance is within the proposed private outdoor designated area and such area ~~is in compliance~~ complies with the comprehensive plan or zoning ordinances of the municipality, if the municipality has so adopted, for the consumption of liquor, wine, nonintoxicating beer, and nonintoxicating craft beer;

(5) The specific boundaries of the private outdoor designated area, including street addresses;

(6) The number, spacing, and type of signage ~~designating~~ identifying the private outdoor designated area;

(7) The days and hours of operation for the private outdoor designated area which may not be greater than, but may be less than authorized by §11-16-1 *et seq.* and ~~chapter 60~~ §60-1-1 *et seq.* of this code, but may be less than;

(8) The estimated number of personnel needed to ensure public safety and efficient operations in the private outdoor designated area;

(9) A sanitation plan that will help maintain the appearance and public health of the private outdoor designated area, including the number of restrooms and trash receptacles;

(10) A requirement that liquor, wine, nonintoxicating beer, and nonintoxicating craft beer be served in non-glass containers, not greater than 18 fluid ounces, approved by the municipality and the commissioner as set forth in §60-7-8g of this code; and

(11) Public health and safety measures, and requirements to meet compliance with current health permitting and zoning requirements.

(c) The municipality shall provide to the commissioner notice of the approval of the private outdoor designated area and identify the qualified permit holders that will be applying for permits set forth in §60-7-8g of this code. As set forth in §60-7-2a of this code, a private outdoor designated area may simultaneously have multiple qualified permit holders as defined in §60-7-1 *et seq.* of the code, and is expressly authorized.

(d) The municipality shall be responsible for ensuring compliance with its ordinances and compliance with all criminal laws associated with the operation of a private outdoor designated area. The municipality shall provide the commissioner copies of all non-compliance and violations. The commissioner shall ensure all qualified permit holders operate in accordance with requirements set forth in §11-16-1 *et seq.* and chapter 60 of this code.

(e) The municipality shall have the authority to dissolve a private outdoor designated area by ordinance and further may suspend a private outdoor designated area immediately when in the interest of public safety.

CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS.

ARTICLE 7. LICENSES TO PRIVATE CLUBS.

§60-7-2a. Dual licensing permitted; conditions.

(a) A private coliseum or center may permit a private fair and festival licensee to conduct the temporary special event, authorized by that license, within, or on the private coliseum or center licensee's licensed premises, in order to create tourism opportunities that will promote brewers, resident brewers, wineries, farm wineries, distilleries, mini-distilleries, and micro-distilleries in this state.

(b) A private coliseum or center licensee may host a special event for a private fair and festival licensee on the licensee's licensed premises if both licensees are in good standing with the commissioner and submit to the commissioner the temporary floorplan revisions of the private coliseum or center in which the special event would be held to comprise the special event's lawful premises, which shall only include spaces in buildings or rooms of the private coliseum or center's licensed premises. By contractual agreement between the private coliseum or center licensee

and the private fair and festival licensee, the parties shall agree that the private coliseum or center maintains control of its licensed premises, but for a set contracted rental time period. The private fair and festival licensee shall safely account for the ingress and egress of the stated members and guests who will be attending the special event at the licensed premises. During the contracted rental time period, the private fair and festival licensee is wholly responsible and liable for the proper sale and serving of alcoholic liquors and nonintoxicating beer in the area designated as the private fair and festival's temporary floorplan, as set forth in this section. The private fair and festival's temporary floorplan shall comprise the private fair and festival's licensed premises for the temporary special event, which is authorized for the lawful sale, service, and consumption of alcoholic liquors and nonintoxicating beer throughout the private fair and festival's licensed premises during this dually licensed temporary special event: *Provided*, That the private fair and festival's licensed premises dually shared and licensed with the private coliseum or center shall:

(1) Have facilities to prepare and serve food and alcohol;

(2) Have adequate restrooms and sufficient building facilities for the expected number of members and guests attending the event;

(3) Comply with all other requirements of its license in this article; and

(4) Comply with health, fire, safety, and zoning requirements.

(c) There is no limit on the number of private fair and festivals that may be held at a private coliseum or center.

(d) The ability for a private outdoor designated area as defined in §8-12-26 of the code to simultaneously have multiple qualified permit holders as defined in §60-7-1 et seq. of the code, is expressly authorized.

§60-7-8a. Special license for a private fair and festival; licensee fee and application; license fee; license subject to provisions of article; exception.

(a) There is hereby created a special license designated Class S2 private fair and festival license for the retail sale of alcoholic liquors and nonintoxicating beer, and nonintoxicating craft beer for on-premises consumption.

(b) To be eligible for the license authorized by subsection (a) of this section, the private fair, ~~and~~ festival, or other event shall:

(1) Be sponsored, endorsed, or approved by the governing body or its designee of the county or municipality in which the private fair, ~~and~~ festival, or other event is located;

(2) Make application with the commissioner at least 15 days prior to the private fair, festival, or other event;

(3) Pay a nonrefundable non-prorated license fee of \$500; and

(4) Be approved by the commissioner to operate the private fair, festival, or other event. (c) A private fair and festival license under this section shall be for a duration of no more than 10 consecutive days.

(d) Nonintoxicating beer and nonintoxicating craft beer sold, furnished, tendered, or served for on-premises consumption by the private fair and festival pursuant to the license created by this section shall be purchased from licensed distributors that service the area in which the private fair and festival is held or from a resident brewer acting in a limited capacity as a distributor, all in accordance with §11-16-1 *et seq.* of this code. Sealed containers of nonintoxicating beer or nonintoxicating craft beer may be sold for off-premises consumption if the nonintoxicating beer and nonintoxicating craft beer is being sold by an authorized brewer or resident brewer, as set forth in §11-16-6a(d) of this code, who manufactures the nonintoxicating beer or nonintoxicating craft beer in this state. The off-premises consumption sales shall be made pursuant to a written agreement between the private fair and festival and an authorized brewer or resident brewer. Prior to the start of the private fair or festival, an authorized brewer or resident brewer who agrees to offer off-premises consumption sales of their nonintoxicating beer or nonintoxicating craft beer from a booth or other facility on the private fair and festival's licensed premises must meet the requirements of §11-16-6a(d) of this code. The written agreement with each authorized brewer or resident brewer shall account for lawful sales of nonintoxicating beer and nonintoxicating craft beer sold for off-premises consumption as set forth in §11-16-1 *et seq.* of this code. The authorized and approved brewer, resident brewer, or its licensed representatives may give or sell approved promotional items to private fair and festival members and guests, but not to the private fair and festival's volunteers, independent contractors, or employees.

(e) Wine or hard cider sold, furnished, tendered, or served for on-premises consumption by the private fair and festival pursuant to the license created by this section shall be purchased from a licensed wine or hard cider distributor or farm winery in accordance with §60-8-1 *et seq.* of this code and §60-8A-1 *et seq.* of this code, as applicable. Sealed containers of wine or hard cider may be sold for off-premises consumption if the wine or hard cider is being sold by an authorized winery or farm winery, as set forth in §60-4-3b(m) and §60-8A-5(c) of this code, who manufactures ~~that~~ the wine or hard cider in this state. The off-premises consumption sales shall be made pursuant to a written agreement between the private fair and festival and an authorized winery or farm winery. An authorized winery or farm winery who agrees to offer their wine or hard cider for off-premises consumption sales from a booth or other facility on the private fair and festival's licensed premises prior to the start of the private fair or festival shall meet the requirements of §60-4-3b(m) and §60-8A-5(c) of this code, as applicable. The written agreement with each authorized winery or farm winery shall account for lawful sales of wine or hard cider sold for off-premises consumption as set forth in §60-8-1 *et seq.* of this code and §60-8A-1 *et seq.* of this code, as applicable. The authorized and approved winery, farm winery, or its licensed representatives may give or sell approved promotional items to private fair and festival members and guests, but not to the private fair and festival's volunteers, independent contractors, or employees.

(f) Liquor sold, furnished, tendered, or served for on-premises consumption by the private fair and festival pursuant to the license created by this section shall be purchased from a licensed retail liquor outlet in the market zone or contiguous market zone where the private fair or festival is occurring, all in accordance with §60-3A-1 *et seq.* of this code. Sealed containers of liquor may be sold for off-premises consumption if the liquor is being sold by an authorized distillery, mini-distillery, or micro-distillery, as set forth in §60-4-3a of this code, who manufactures their liquor in this state. Off-premises consumption sales shall comply with §60-3A-17 of this code and §60-4-3a(c) of this code shall not apply to these sales. The off-premises consumption sales shall be made pursuant to a written agreement between the private fair and festival and an authorized distillery, mini-distillery, or micro-distillery. An authorized licensed distillery, mini-distillery, or micro-distillery who agrees to offer off-premises consumption sales of their manufactured liquor from a booth or other facility on the private fair and festival's licensed premises prior to the start

of the private fair, festival, or other event must meet the requirements as set forth in §60-4-3a of this code. The written agreement with each authorized distillery, mini-distillery, or micro-distillery shall account for lawful sales of liquor sold for off-premises consumption as set forth in §60-3A-1 of this code. An authorized and approved distillery, mini-distillery, micro-distillery, or its licensed representatives may give or sell approved promotional items to private fair and festival members and guests, but not to the private fair and festival's volunteers, independent contractors, or employees.

(g) A licensee authorized by this section may use bona fide employees, volunteers, or, in limited circumstances, licensed representatives to sell, furnish, tender, or serve the nonintoxicating beer, nonintoxicating craft beer, wine, liquor, or hard cider.

(h) Licensed representatives of an authorized and approved brewer, resident brewer, beer distributor, wine distributor, wine supplier, winery, farm winery, distillery, mini-distillery, micro-distillery, and liquor broker representatives may attend a private fair and festival and discuss their respective products but shall not engage in the selling, furnishing, tendering, or serving of any nonintoxicating beer, nonintoxicating craft beer, wine, hard cider, or liquor. However, licensed representatives of a brewer, resident brewer, winery, farm winery, distillery, mini-distillery, or micro-distillery that has agreed in writing to conduct sampling and off-premises consumption sales of their respective licensee's products at the private fair and festival, may discuss their respective products and engage in the limited giving of complimentary samples in accordance with §11-16-6a (c) and (d), §60-4-3a (a) and (b), and §60-4-3b (b) and (m) of this code; and the selling of sealed bottles or cans of their respective nonintoxicating beer, nonintoxicating craft beer, wine, hard cider, or liquor products for off-premises consumption. All taxes and fees must be paid on lawful sales.

(i) A license issued under this section and the licensee are subject to all other provisions of this article and the rules and orders of the commissioner: *Provided*, That the commissioner may by rule or order allow certain waivers or exceptions with respect to those provisions, rules, or orders as the circumstances of each private fair and festival require, including, without limitation, the right to revoke or suspend immediately any license issued under this section prior to any notice or hearing, notwithstanding §60-7-13a of this code: *Provided, however*, That under no circumstances may the provisions of §60-7-12 of this code be waived or an exception granted with respect thereto.

(j) Dual licensing is permitted for private fairs and festivals pursuant to §60-7-2a of this code, including, but not limited to, dual licensing simultaneous to any other qualified permit holders as defined in §60-7-1 et seq. of the code.

(k) A private fair and festival licensee who executes a written agreement with a licensed brewer, resident brewer, winery, farm winery, distillery, mini-distillery, micro-distillery, or their licensed representatives is jointly liable and responsible for any violations of this article.

(l) A private fair and festival licensee who executes a written agreement with a licensed brewer, resident brewer, winery, farm winery, distillery, mini-distillery, or micro-distillery to conduct limited off-premises consumption sales shall not have any pecuniary interest, share, or percentage in any sales of sealed nonintoxicating beer, nonintoxicating craft beer, wine, hard cider, or liquor.

(m) A private fair and festival licensee who executes a written agreement with a licensed brewer, resident brewer, winery, farm winery, distillery, mini-distillery, or micro-distillery to conduct limited off-premises consumption sales may charge them a flat booth rental fee.

(n) A private fair and festival licensee, licensed brewer, resident brewer, winery, farm winery, distillery, mini-distillery, micro-distillery, or their licensed representatives who permits members or guests to consume, on the private fair and festival's licensed premises, any nonintoxicating beer, nonintoxicating craft beer, wine, hard cider, or liquor, that was purchased as an off-premises consumption sale, shall have their respective license immediately suspended, and that conduct is grounds for revocation of their license.

§60-7-8g. Special permit for a qualified permit holder in a private outdoor designated area; license fee and application; license subject to provisions of article.

~~(a) There is hereby created a special permit designated Class S4 for a qualified permit holder operating in a private outdoor designated area approved by a municipality as set forth in §8-12-26 of this code for the consumption of liquor, wine, nonintoxicating beer, and nonintoxicating craft beer for on premises consumption at a certain public property designated as a private outdoor designated area where multiple private club license type licensees who apply and obtain a qualified permit holder permit shall share liability and responsibility. Each qualified permit holder may sell, furnish, or serve liquor, wine, nonintoxicating beer, and nonintoxicating craft beer as provided in this section.~~

(a) There is hereby created a special permit, designated Class S4, for the sale of liquor, wine, nonintoxicating beer, and nonintoxicating craft beer in a private outdoor designated area that has been approved by a municipality pursuant to §8-12-26 of this code. Each Class S4 permittee may sell, furnish, or serve liquor, wine, nonintoxicating beer, and nonintoxicating craft beer as provided in this section.

(b) Definitions:

(1) "Private outdoor designated area" means public property that has become a legally demarcated area established by a municipal ordinance as set forth in §8-12-26 of this code for the consumption of liquor, wine, nonintoxicating beer, and nonintoxicating craft beer.

(2) "Qualified permit holder" means the holder of a Class A, Class B, or Class S2 license issued under §60-7-1 et seq. of this code issued under this article that elects to operate within a private outdoor designated area, and that a Class S4 license pursuant to §60-7-1 et seq. of this code.

(c) To be eligible for the license authorized by subsection (a) of this section, the qualified permit holder shall:

(1) Operate in a private outdoor designated area created by municipal ordinance as set forth in §8-12-26 of this code, and provide the commissioner a copy of the certified ordinance from the municipality;

(2) Apply to the commissioner for the special permit prior to operating in an approved private outdoor designated area on an application provided by the commissioner;

(3) Pay a nonrefundable non-prorated annual license fee of \$100 to the commissioner;

(4) Be in compliance with all state and federal laws and be in good standing with the commissioner;

(5) Be approved by the municipality to operate in the private outdoor designated area;

(6) Provide the days and hours of operation in the private designated area ~~which cannot exceed the stated private club hours of operation;~~

(7) Provide, in conjunction with the municipality, adequate restroom facilities, whether permanent or portable, to serve the members and guests who will be attending the private outdoor designated area;

~~(8) Provide an executed agreement between all qualified permit holders stating that each qualified permit holder is jointly and severally liable for any improper acts or conduct committed in the operation of the private outdoor designated area in conjunction with operation of their Class A license;~~

~~(9)~~(8) Provide a security plan for the private outdoor designated area indicating: All qualified permit holders' licensed premises where alcohol will be served in approved non-glass containers; all entrances and exits in order to verify members', patrons', and guests' ages, and to assess whether a member, patron, or guest is under 21 years of age or intoxicated; and a plan to provide for the public health and safety of members, patrons, and guests;

~~(10)~~(9) Provide a floorplan for the private outdoor designated area indicating a legally demarcated area that is bounded or utilizes signage to safely account for the ingress and egress of members, patrons, and guests who will be within the private outdoor designated area and also be permitted to carry liquor, wine, nonintoxicating beer, and nonintoxicating craft beer on and off of the qualified permit holders' licensed premises and within the private outdoor designated area when contained in an approved non-glass container. The private outdoor designated area's floorplan does comprise a separate licensed premises authorized only for the lawful consumption of liquor, wine, nonintoxicating beer, or nonintoxicating craft beer throughout the licensed premises when lawfully purchased from a qualified permit holder;

~~(11)~~ (10) Meet and be subject to all other private club license type requirements;

~~(12)~~ (11) Provide a plan to prevent members, guests, and patrons from bringing, consuming, or selling alcohol not in an approved non-glass container in the private outdoor designated area; and

(12) Use an age verification system approved by the commissioner.

~~(e)~~ (d) As set forth in §8-12-26 of this code a municipality may, by ordinance, establish a private outdoor designated area where the municipality may zone, set requirements, and establish conditions for safe operation of private outdoor designated area by qualified permit holders.

(d) (e) A municipality shall be responsible for the enforcement of any criminal violations occurring in a private outdoor designated area and shall report such violations to commissioner for a determination of any violation of §11-16-1 *et seq.* and chapter 60 of this code.

~~(e)~~ (f) The commissioner shall enforce any violations of §11-16-1 *et seq.* and chapter 60 of this code committed by qualified permit holders against their permit and their Class A, Class B, or Class S2 license.

(f) (g) A qualified permit holder that is separately authorized for an outdoor dining area or sidewalk dining area may continue to operate those areas in conjunction with the private outdoor designated area subject to the commissioner's requirements. Notwithstanding any other section of the code, a private outdoor designated area is authorized to simultaneously host multiple qualified permit holders as defined in §60-7-1 *et seq.* of the code.

(g) (h) A licensee permitted under this section is subject to all other provisions of this article and the rules and orders of the commissioner: *Provided*, That the commissioner may, by rule or order, allow certain waivers or exceptions with respect to those provisions, rules, or orders as required by the circumstances of for the operation of qualified permit holders in each private outdoor designated area. The commissioner may revoke or suspend immediately any permit issued under this section prior to any notice or hearing, notwithstanding §60-7-13a of this code: *Provided, however*, That under no circumstances may the provisions of §60-7-12 of this code be waived or an exception granted with respect thereto.”

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 5295 – “ A Bill to amend and reenact §8-12-26 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-7-2a, §60-7-8a, and §60-7-8g of said code, all relating to expressly authorizing a private outdoor designated area to simultaneously host multiple qualified permit holders, including but not limited to a special S2 licensed and properly insured private fair and festival; providing that private outdoor designated areas may simultaneously host multiple permit holders; defining a term; providing that the dual licensing of private fairs and festivals simultaneous to other qualified permit holders is permissible; and eliminating the joint and several liability of qualified permit holders.”

With the further amendment, sponsored by Delegate Phillips, being as follows:

On page 9, section 60-7-8g, line 12, after the word “and” by striking out the word “that”.

On page 9, section 60-7-8g, line 12, after the word “S4” by striking out the word “license” and inserting in lieu thereof the words “special permit”;

On page 9, section 60-7-8g, line 14, after the words “eligible for the” by striking out the word “license” and inserting in lieu thereof the words “special permit”.

On page 10, section 60-7-8g, line 21, after the word “annual” by striking out the word “license” and inserting in lieu thereof the words “special permit”.

And,

On page 11, section 60-7-8g, line 48, after the word “other” by striking out the words “private club license type” and inserting in lieu thereof the words “applicable license”.

The bill, as amended by the Senate, and further amended by the House, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 418**), and there were—yeas 71, nays 26, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Adkins, Barnhart, Brooks, Burkhammer, Butler, T. Clark, Coop-Gonzalez, Dillon, Fast, Ferrell, Foggin, Foster, Holstein, Jeffries, Jennings, Kump, Longanacre, Mallow, Martin, Moore, Pinson, Ross, Toney, Vance, Ward and Worrell.

Absent and Not Voting: Mazzocchi, Sheedy and Street.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5295) passed.

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

On this question, the yeas and nays were taken (**Roll No. 419**), and there were—yeas 73, nays 24, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Adkins, Barnhart, Brooks, Burkhammer, Butler, Coop-Gonzalez, Dillon, Fast, Ferrell, Foster, Holstein, Jeffries, Jennings, Kump, Longanacre, Mallow, Martin, Moore, Pinson, Ross, Toney, Vance, Ward and Worrell.

Absent and Not Voting: Mazzocchi, Sheedy and Street.

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. 5295) takes effect from its passage.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 5540, Relating to fentanyl prevention and awareness Education (Laken's Law).

On motion of Delegate Householder, the House concurred in the following amendment of the bill by the Senate:

On page 1, section 1, line 7, after the word "of" by striking out the remainder of the sentence and inserting the words "FDA-approved opioid reversal agents;".

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 420**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Mazzocchi, Sheedy and Street.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5540) passed.

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

A message from the Senate, by

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

S. B. 602, Cardiac Emergency Response Plan Act.

On motion of Delegate Householder, the House concurred in the following amendment by the Senate:

On page 3, section 22e, line 41, after the word “under” by inserting the words “§30-3-1 *et seq.* and ”.

The bill, as amended by the House, and further amended by the Senate, was put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 421**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Mazzocchi, Sheedy and Street.

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

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 4782, Preventing municipalities from targeting protected businesses with planning and zoning ordinances more restrictive than those placed upon other businesses.

On motion of Delegate Householder, the House concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND MUNICIPAL OFFICERS AND EMPLOYEES; SUITS AGAINST MUNICIPALITIES.

§8-12-5a. Limitations upon municipalities' power to restrict the purchase, possession, transfer, ownership, carrying, transport, sale, and storage of certain weapons and ammunition.

(a) Neither a municipality nor the governing body of any municipality may, by ordinance or otherwise, limit the right of any person to purchase, possess, transfer, own, carry, transport, sell, or store any deadly weapon, firearm, or pepper spray, or any ammunition or ammunition components to be used therewith nor to so regulate the keeping of gunpowder so as to directly or indirectly prohibit the ownership of the ammunition in any manner inconsistent with or in conflict with state law.

(b) For the purposes of this section:

(1) "Deadly weapon" has the meaning provided in §61-7-2 of this code.

(2) "Firearm" has the meaning provided in §61-7-2 of this code.

(3) "Municipally owned or operated building" means any building that is used for the business of the municipality, such as a courthouse, city hall, convention center, administrative building, or other similar municipal building used for a municipal purpose permitted by state law: *Provided*, That "municipally owned or operated building" does not include a building owned by a municipality that is leased to a private entity where the municipality primarily serves as a property owner receiving rental payments.

(4) "Municipally owned recreation facility" means any municipal swimming pool, recreation center, sports facility, facility housing an after-school program, or other similar facility where children are regularly present.

(5) "Pepper spray" means a temporarily disabling aerosol that is composed partly of capsicum oleoresin and causes irritation, blinding of the eyes, and inflammation of the nose, throat, and skin that is intended for self-defense use.

(c)(1) A municipality may enact and enforce an ordinance or ordinances that prohibit or regulate the carrying or possessing of a deadly weapon, firearm, or pepper spray in municipally owned or operated buildings.

(2) A municipality may enact and enforce an ordinance or ordinances that prohibit a person from carrying or possessing a deadly weapon, firearm, or pepper spray openly or that is not lawfully concealed in a municipally owned recreation facility: *Provided*, That a municipality may not prohibit a person with a valid concealed handgun license from carrying an otherwise lawfully possessed firearm into a municipally owned recreation facility and securely storing the firearm out of view and access to others during their time at the municipally owned recreation facility.

(3) A person may keep an otherwise lawfully possessed deadly weapon, firearm, or pepper spray in a motor vehicle in municipal public parking facilities if the vehicle is locked and the deadly weapon, firearm, or pepper spray is out of view.

(4) A municipality may not prohibit or regulate the carrying or possessing of a deadly weapon, firearm, or pepper spray on municipally owned or operated property other than municipally owned or operated buildings and municipally owned recreation facilities pursuant to subdivisions (1) and (2), subsection (b), of this section: *Provided*, That a municipality may prohibit persons who do not

have a valid concealed handgun license from carrying or possessing a firearm on municipally owned or operated property.

(d) It shall be an absolute defense to an action for an alleged violation of an ordinance authorized by this section prohibiting or regulating the possession of a deadly weapon, firearm, or pepper spray that the person: (1) Upon being requested to do so, left the premises with the deadly weapon, firearm, or pepper spray or temporarily relinquished the deadly weapon, firearm, or pepper spray in response to being informed that his or her possession of the deadly weapon, firearm, or pepper spray was contrary to municipal ordinance; and (2) but for the municipal ordinance the person was lawfully in possession of the deadly weapon, firearm, or pepper spray.

(e) Any municipality that enacts an ordinance regulating or prohibiting the carrying or possessing of a deadly weapon, firearm, or pepper spray pursuant to subsection (c) of this section shall prominently post a clear statement at each entrance to all applicable municipally owned or operated buildings or municipally owned recreation facilities setting forth the terms of the regulation or prohibition.

(f) Redress for an alleged violation of this section may be sought through the provisions of §53-1-1 *et seq.* of this code, which may include the awarding of reasonable attorney's fees and costs, if the petitioner prevails.

(g) For the purposes of §61-7-14 of this code, municipalities may not be considered a person charged with the care, custody, and control of real property.

(h) This section does not:

(1) Authorize municipalities to restrict the carrying or possessing of deadly weapons, firearm, or pepper spray, which are otherwise lawfully possessed, on public streets and sidewalks of the municipality; or

(2) Limit the authority of a municipality to restrict the commercial use of real estate ~~in designated areas through planning or zoning ordinances; except that a municipality may not restrict or regulate a firearms or ammunitions related business entity in a manner more restrictive than the planning or zoning ordinances imposed upon any other retail business, nor shall a municipality place restrictions on quantity limitations regarding the lawful sale or servicing of any firearm or ammunition, any firearm or ammunition component or accessory, ammunition reloading equipment and supplies, or personal weapons other than firearms, including all indoor or outdoor shooting ranges.~~

(A) Any provision of an ordinance that is designed or enforced to effectively restrict or prohibit the sale, purchase, transfer, manufacture, repair, or display of firearms, ammunition, firearms accessories or components as that term is defined in §31A-2B-3 of this code, or personal defense tools or products other than firearms which are otherwise lawful under the laws of this state is void.

(B) A municipality may not use its planning or zoning powers solely to prohibit the sale of firearms, ammunition, firearms accessories or components as that term is defined in §31A-2B-3 of this code, or personal defense tools or products other than firearms within a prescribed distance of any other type of commercial property or of school property or other educational property.

Any person aggrieved by a violation of this subdivision may seek redress as provided in subsection (f) of this section.”

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 4782 – “A Bill to amend and reenact §8-12-5a of the Code of West Virginia, 1931, as amended, relating to limitations upon municipalities’ power to restrict the sale and storage of weapons and ammunition; preventing municipalities from targeting protected businesses with planning and zoning ordinances more restrictive than those placed upon other businesses; declaring ordinances which restrict or prohibit certain sales of firearms, firearms accessories or components, and other lawful personal defense tools or products as void; restricting a municipality from using its planning or zoning powers solely to prohibit the sale of firearms, firearms accessories or components, or lawful personal defense tools or products other than firearms within a prescribed distance of any other type of commercial property or of school property or other educational property; and providing remedies for violations.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 422**), and there were—yeas 86, nays 10, absent and not voting 4, with the nays and the absent and not voting being as follows:

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

Absent and Not Voting: Martin, Mazzocchi, Sheedy and Street.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4782) passed.

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

At the request of Delegate Householder, and by unanimous consent, the House returned to consideration of **Com. Sub. for H. B. 5395**.

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

On this question, the yeas and nays were taken (**Roll No. 423**), 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: Martin, Mazzocchi, Sheedy and Street.

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. 5395) takes effect from its passage.

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

Resolutions Introduced

The following resolution was introduced:

By Delegate Lucas:

H. R. 12 – “Memorializing the life of Charles Everett Romine, Jr.”

At the respective requests of Delegate Householder, and by unanimous consent, reference of the resolution (H. R. 12) to a committee was dispensed with, and it was taken up for immediate consideration.

The resolution 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. 424**), 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: Hardy, Hornby, Mazzocchi, Sheedy and Street.

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

Special Calendar

Third Reading

S. B. 164, Relating generally to trespassing; 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. 425**), and there were—yeas 89, nays none, absent and not voting 11, with the absent and not voting being as follows:

Absent and Not Voting: Griffith, Hardy, Heckert, Hornby, Linville, Lucas, Mazzocchi, Nestor, Sheedy, Street and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 164) passed.

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

S. B. 164 - “A Bill to amend and reenact §61-3B-2, §61-3B-3, §61-3B-6, and §61-3B-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §61-3B-8, all relating generally to trespass; clarifying protected activities relating to trespass on property other than a structure or conveyance; making double damages applicable to all violations of the article including cleanup costs; authorizing courts presiding in cases for misdemeanor violations of the article to defer entry of judgment and dismiss the charges if payment of ordered damages is made within six months after conviction; and creating criminal penalties.”

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 S. B. 331, Eliminating cap on maximum amount of money in county's financial stabilization fund; 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. 426**), 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: Lucas, Mazzocchi, Sheedy and Street.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 331) passed.

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

Com. Sub. for S.B. 331 - "A Bill to amend and reenact §7-6-5a of the Code of West Virginia, 1931, as amended, and to amend and reenact §7-21-3 of said code, all relating to eliminating the cap on the maximum amount of money a county may keep in its financial stabilization fund and allowing moneys in the fund to be invested with the West Virginia Investment Management Board or the West Virginia Board of Treasury Investments; striking language imposing a cap of 50% of the most recent county general fund budget; and establishing that a county commission may, subject to certain conditions, make moneys available for investment by the Board of Treasury Investments or the Investment Management Board, 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."

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

On this question, the yeas and nays were taken (**Roll No. 427**), 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: Lucas, Mazzocchi, McGeehan, Sheedy and Street.

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 S. B. 331) takes effect from its passage.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 428**), 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: Lucas, Mazzocchi, Sheedy and Street.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 370) passed.

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

On this question, the yeas and nays were taken (**Roll No. 429**), 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: Lucas, Mazzocchi, Sheedy, Street and Williams.

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 S. B. 370) takes effect from its passage.

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

Com. Sub. for S. B. 451, Directing Prosecuting Attorneys Institute to make training available to certain new prosecuting attorneys; 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. 430**), 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: Lucas, Mazzocchi, Sheedy, Street and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 451) passed.

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

Com. Sub. for S. B. 451- “A Bill to amend and reenact §7-4-6 of the Code of West Virginia, 1931, as amended, relating to training of newly appointed, hired or elected prosecuting attorneys and assistant prosecuting attorneys; and directing the Prosecuting Attorneys Institute to conduct the training for all newly appointed, hired and newly elected prosecuting attorneys and assistant prosecuting attorneys; and providing that this training program is mandatory.”

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

On this question, the yeas and nays were taken (**Roll No. 431**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Lucas, Mazzocchi, Ross, Sheedy, Street, Williams and Worrell.

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 S. B. 451) takes effect from its passage.

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

S. B. 529, Including Salem University in PROMISE Scholarship program; 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. 432**), 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: Lucas, Mazzocchi, Sheedy and Street.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 529) 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 S. B. 539, Creating cold case database; 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. 433**), 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: Sheedy and Street.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 539) passed.

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

Com. Sub. for S. B. 539 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-12-9, relating to requiring the West Virginia Fusion Center to create the cold case database; defining terms; allowing law-enforcement agencies to provide information; explaining the types of cases to be included in the cold case database; explaining the state agency developing the cold case database; delineating the information that must be provided for inclusion in the cold case database for each investigation; and delineating the information that may be provided for inclusion in the cold case database for each investigation if applicable to either the victim of the crime or the suspect in the crime.

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 S. B. 603, Solid Waste Management Act; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Phillips asked unanimous consent that the bill be postponed one day, objection being heard.

Whereupon,

Delegate Criss asked and obtained unanimous consent that the bill be moved to the foot of bills.

S. B. 712, Reducing minimum age for State Police cadet; 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. 434**), 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: Gearheart and Horst.

Absent and Not Voting: W. Clark, Kump, Sheedy, Street and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 712) passed.

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

On this question, the yeas and nays were taken (**Roll No. 435**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Kelly, Kump, Maynor, Sheedy, Street and Young.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 712) takes effect from its passage.

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

Second Reading

S. B. 173, Modifying certain guidelines for motor vehicle dealers, distributors, wholesalers, and manufacturers; on second reading, coming up in regular order, was read a second time.

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

Com. Sub. for S. B. 200, Budget Bill; on second reading, coming up in regular order, was reported by the Clerk.

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

Com. Sub. for S. B. 292, Hunger-Free Campus Act; on second reading, coming up in regular order, was reported by the Clerk.

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

S. B. 574, Supplemental appropriation to DOT, Division of Highways; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 696, Supplementing and amending appropriations to Department of Homeland Security, Division of Emergency Management; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 700, Supplementing and amending appropriations to Miscellaneous Boards and Commissions, Hospital Finance Authority; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 701, Supplementing and amending appropriations to Department of Education, School Construction Fund; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 703, Supplementing and amending appropriations to Department of Homeland Security, WV State Police; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 707, Supplementing and amending appropriations to Department of Commerce, Division of Natural Resources; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 708, Supplementing and amending appropriations to Department of Agriculture, WV Spay Neuter Assistance Fund; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 709, Supplementing and amending appropriations to Department of Arts, Culture and History, National Coal Heritage Area Authority; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 710, Supplementing and amending appropriations to State Board of Education, Aid for Exceptional Children; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 782, Defining deadlines for local permits and extensions for property development or improvement; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 802, Updating consumer credit and protection laws on certain agricultural vehicles and equipment; on second reading, coming up in regular order, was read a second time and 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:

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,

And,

H. B. 5699, Supplementing and amending appropriations to the Department of Arts, Culture, and History, Division of Culture and History.

Third Reading

-continued-

Com. Sub. for S. B. 603, Solid Waste Management Act; on third reading, having been moved to the foot of bills, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 436**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Fluharty, Hite, Horst, Maynor, Sheedy and Street.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 603) passed.

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

On this question, the yeas and nays were taken (**Roll No. 437**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Fluharty, Hite, Horst, Maynor, Sheedy and Street.

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 S. B. 603) takes effect from its passage.

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

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. 146, Creating adult education taskforce,

And,

S. B. 806, Removing certain required reports to Legislative Oversight Commission on Education Accountability,

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

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. 487, Requiring periodic review of professional development for teachers and education staff,

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. 477, Prohibiting public disclosure of personal information on internet,

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

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

Your Committee on Government Organization has had under consideration:

S. B. 148, Establishing auto-renewal program for wildlife licenses,

S. B. 438, Modifying roster requirements of authorizing entities,

Com. Sub. for S. B. 540, Updating WV coordinate systems,

Com. Sub. for S. B. 844, Redesignating Educational Broadcasting Authority as Educational Broadcasting Commission,

And,

Com. Sub. for S. B. 865, Changing reference to Curator of Department of Arts, Culture, and History to secretary,

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

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

Your Committee on the Judiciary has had under consideration:

H. C. R. 57, Resolution demanding Congress call a Convention of States to propose amendments to the Constitution of the United States to create fiscal responsibility by and within the federal government,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. C. R. 57 - "Demanding Congress call a Convention of States to propose amendments to the Constitution of the United States to create fiscal responsibility by and within the federal government,"

With the recommendation that the committee substitute be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolution (Com. Sub. for H. C. R. 57) was referred to the Committee on Rules.

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. 147, Adding definition of “ammunition” for purposes of obtaining state license to carry concealed deadly weapon,

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

Leaves of Absence

At the request of Delegates Householder, and by unanimous consent, leaves of absence for the day were granted Delegates Sheedy and Street.

Miscellaneous Business

At 12:55 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, March 4, 2024.

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

SPECIAL CALENDAR

Monday, March 4, 2024

55th Day

11:00 A.M.

THIRD READING

- S. B. 173 - Modifying certain guidelines for motor vehicle dealers, distributors, wholesalers, and manufacturers [Right to Amend]
- 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

SECOND 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. 200 - Budget Bill
- Com. Sub. for S. B. 292 - Hunger-Free Campus Act
- 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 for regional distribution and dismantling centers
- 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

FIRST READING

- S. B. 146 - Creating adult education taskforce
- S. B. 147 - Adding definition of “ammunition” for purposes of obtaining state license to carry concealed deadly weapon
- S. B. 148 - Establishing auto-renewal program for wildlife licenses

- S. B. 438 - Modifying roster requirements of authorizing entities
- Com. Sub. for S. B. 477 - Prohibiting public disclosure of personal information on internet
- S. B. 487 - Requiring periodic review of professional development for teachers and education staff
- Com. Sub. for S. B. 540 - Updating WV coordinate systems
- Com. Sub. for S. B. 675 - Establishing accreditation deadline for convention and visitors bureaus
- S. B. 806 - Removing certain required reports to Legislative Oversight Commission on Education Accountability
- Com. Sub. for S. B. 844 - Redesignating Educational Broadcasting Authority as Educational Broadcasting Commission
- Com. Sub. for S. B. 865 - Changing reference to Curator of Department of Arts, Culture, and History to secretary

HOUSE CALENDAR

Monday, March 4, 2024

55th Day

11:00 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. 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

MONDAY, MARCH 4, 2024

HOUSE CONVENES AT 11:00 A.M.

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

**COMMITTEE ON THE JUDICIARY
9:00 A.M. PUBLIC HEARING
S.B. 590: POLITICAL SUBDIVISION LABOR REGULATORY LIMITATION ACT
HOUSE CHAMBER**

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

**COMMITTEE ON JUDICIARY
10:00A.M. – JUDICIARY COMMITTEE ROOM**

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

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

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