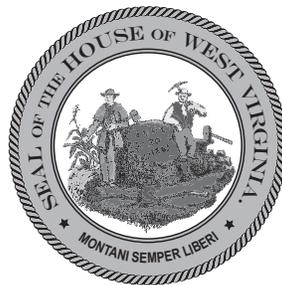


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March 4, 2024
FIFTY-FIFTH DAY



Monday, March 4, 2024

FIFTY-FIFTH DAY

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

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

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

The Clerk proceeded to read the Journal of Friday, March 1, 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. 152 and Com. Sub. for S. B. 292, on Second Reading, Special Calendar, had been transferred to the House Calendar; and Com. Sub. for S. B. 17 and Com. Sub. for S. B. 714, on Second Reading, House Calendar, had been transferred to the Special Calendar.

Committee Reports

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. 430, WV Rent-to-Own Act,

And,

S. B. 687, Clarifying Legislative Auditor's scope of authority,

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

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

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 632, Relating to Dangerousness Assessment Advisory Board multi-disciplinary study group,

And,

Com. Sub. for S. B. 649, Clarifying per diem compensation for certain judges recalled to service,

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

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

Your Committee on Finance has had under consideration:

H. B. 5470, Expiring funds from Lottery Net Profits to General Revenue Surplus,

S. B. 378, Prohibiting smoking in vehicle when minor 16 or under is present,

And,

S. B. 657, Expiring funds from Excess Lottery Revenue Fund to General Revenue,

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

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

Your Committee on Finance has had under consideration:

S. B. 170, Relating to compensable diseases of certain firefighters covered by workers' compensation,

And,

Com. Sub. for S. B. 261, WV Veterans' Home Loan Mortgage Program of 2024,

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

At the request of Delegate Criss, and by unanimous consent **H. B. 5470** was read a first time, and ordered to second reading.

Messages from the Senate

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

Com. Sub. for H. B. 4376, Relating to surgical smoke evacuation.

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 3. HOSPITALS AND SIMILAR INSTITUTIONS.

§16B-3-21. Smoke evacuation system required for certain surgical procedures.(a) As used in this section:

(1) 'Energy generating device' means any tool that performs a surgical function using heat, laser, electricity, or another form of energy;

(2) 'Smoke evacuation system' means smoke evacuators, laser plume evacuators, or local exhaust ventilators that effectively capture and neutralize surgical smoke at the site of origin and before the smoke can make ocular contact or contact with the respiratory tract of the occupants of the room; and

(3) 'Surgical smoke' means the by-product, including surgical plume, smoke plume, bio-aerosols, laser-generated airborne contaminants, and other lung-damaging dust, that results from contact with tissue by an energy generating device.

(b) On or before January 1, 2025, in order to protect operating room nurses, operating room personnel, and patients from the hazards of surgical smoke, the Office of the Inspector General shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code requiring a health care facility licensed under this chapter that utilizes energy generating devices to use a smoke evacuation system during any surgical procedure that is likely to produce surgical smoke.

(c) Any health facility acting by or through its agents or employees that violates subsection (b) of this section shall be punished by a fine of not less than \$1,000 nor more than \$5,000 for each violation."

And,

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

Com. Sub. for H. B. 4376 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16B-3-21, relating to requirements for smoke evacuation systems for health care facilities; defining terms; providing rule-making authority; and creating penalties for violation of requirement.”

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. 438**), and there were--yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Fluharty, Horst and Howell.

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. 4376) 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. 4431, Permitting the cremation of unidentified remains.

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

On page 1, section 15, line 7, after the word "data" by inserting the words "or biological sample";

And,

On page 1, section 15, line 8, after the word "remains" by inserting the words "including but not limited to teeth, bone, tissue, or blood samples".

And,

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

Com. Sub. for H. B. 4431 – "A Bill to amend and reenact §61-12-15 of the Code of West Virginia, 1931, as amended, relating to the Office of the Chief Medical Examiner; and permitting the cremation of unidentified remains."

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. 439**), and there were--yeas 81, nays 16, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Bridges, Cannon, Chiarelli, Coop-Gonzalez, Dean, Dillon, Foster, Holstein, Kimble, Kirby, Lewis, McGeehan, C. Pritt, E. Pritt, Vance and Ward.

Absent and Not Voting: Fluharty, Horst and Howell.

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.

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:

H. B. 4832, Relating to state superintendent's reports regarding the finances of school districts.

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

On page 1, section 21, line 5, after the word "funding" by inserting the words "as authorized in §18-9B-19 of this code".

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. 440**), 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: Fluharty, Horst and Howell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4832) 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:

H. B. 5549, Relating to allowing license plates to be obtained from alternative sources when the Division of Corrections and Rehabilitation is unable to produce them.

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 4. CORRECTIONS MANAGEMENT.

§15A-4-15. Manufacture of license plates, road signs or markers; securing signs and markers when federal government reimburses state for cost thereof.

For the purpose of obtaining license plates to be used upon motor vehicles licensed for operation in this state and road signs or markers of any description for state roads, the commissioner is hereby authorized and empowered on behalf of the state, to establish and operate a plant for the manufacture of the license plates and road signs or markers in his or her institution.

It shall be unlawful for any state official or employee to manufacture or obtain the license plates, road signs, or markers otherwise than as herein specified: *Provided*, That the Commissioner of Highways may originally secure road signs or markers from sources other than that provided herein.

(a) The commissioner is hereby authorized and empowered to establish and operate a plant in his or her institution for the manufacture of road signs and markers of any description for state roads and of license plates.

(b) The Commissioner of Motor Vehicles shall secure all license plates from the division: *Provided*, That the Commissioner of Motor Vehicles may secure license plates from alternative sources if the division is unable to provide a six-month supply of license plates due to a shortage of resources, labor, or other circumstance beyond the control of the division.

(c) The Commissioner of Highways may obtain road signs and markers of any description for state roads from the division.”

And,

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

H. B. 5549 – “A Bill to amend and reenact §15A-4-15 of the Code of West Virginia, 1931, as amended, relating to allowing license plates, road signs, and markers to be obtained from sources other than the Division of Corrections and Rehabilitation.”

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. 441**), and there were--yeas 86, nays 11, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Dillon, Hamilton, Hardy, Hornbuckle, Kimble, Lewis, Ross, Steele, Thorne, Winzereid and Young.

Absent and Not Voting: Fluharty, Horst and Howell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 5549) 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. 5347, Relating to establishing a program for emergency medical services personnel to become certified paramedics.

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 4C. EMERGENCY MEDICAL SERVICES ACT.

§16-4C-6. Powers and duties of commissioner secretary.

The commissioner secretary has the following powers and duties:

(a) To propose rules for legislative approval, in consultation with the state health officer, in accordance with the provisions of §29A-3-1 *et seq.* of this code: *Provided*, That the rules have been submitted at least 30 days in advance for review by the Emergency Medical Services Advisory Council, who may act only in the presence of a quorum. The rules may include:

(1) Standards and requirements for certification and recertification of emergency medical service personnel, including, but not limited to:

(A) Age, training, testing, and continuing education;

(B) Procedures for certification and recertification, and for denying, suspending, revoking, reinstating, and limiting a certification or recertification;

(C) Levels of certification and the scopes of practice for each level;

(D) Standards of conduct; and

(E) Causes for disciplinary action and sanctions which may be imposed.

(2) Standards and requirements for licensure and licensure renewals of emergency medical service agencies, including:

(A) Operational standards, levels of service, personnel qualifications and training, communications, public access, records management, reporting requirements, medical direction, quality assurance and review, and other requirements necessary for safe and efficient operation;

(B) Inspection standards and establishment of improvement periods to ensure maintenance of the standards;

(C) Fee schedules for licensure, renewal of licensure, and other necessary costs;

(D) Procedures for denying, suspending, revoking, reinstating, or limiting an agency licensure;

(E) Causes for disciplinary action against agencies; and

(F) Administrative penalties, fines, and other disciplinary sanctions which may be imposed on agencies;

(3) Standards and requirements for emergency medical services vehicles, including classifications and specifications;

(4) Standards and requirements for training institutions, including approval or accreditation of sponsors of continuing education, course curricula, and personnel;

(5) Standards and requirements for a State Medical Direction System, including qualifications for a state emergency medical services medical director and regional medical directors, the establishment of a State Medical Policy and Care Committee, and the designation of regional medical command centers;

(6) Provision of services by emergency medical services personnel in hospital emergency rooms;

(7) Authorization to temporarily suspend the certification of an individual emergency medical services provider prior to a hearing or notice if the commissioner secretary finds there is probable cause that the conduct or continued service or practice of any individual certificate holder has or may create a danger to public health or safety: *Provided*, That the commissioner secretary may rely on information received from a physician that serves as a medical director in finding that probable cause exists to temporarily suspend the certification; and

(8) Any other rules necessary to carry out the provisions of this article;

(b) To apply for, receive, and expend advances, grants, contributions, and other forms of assistance from the state or federal government or from any private or public agencies or foundations to carry out the provisions of this article;

(c) To design, develop, and review, in consultation with the state health officer, a Statewide Emergency Medical Services Implementation Plan. The plan shall recommend aid and assistance and all other acts necessary to carry out the purposes of this article:

(1) To encourage local participation by area, county, and community officials, and regional emergency medical services boards of directors; and

(2) To develop a system for monitoring and evaluating emergency medical services programs throughout the state;

(d) To provide professional and technical assistance and to make information available to regional emergency medical services boards of directors and other potential applicants or program sponsors of emergency medical services for purposes of developing and maintaining a statewide system of services;

(e) To assist local government agencies, regional emergency medical services boards of directors, and other public or private entities in obtaining federal, state, or other available funds and services;

(f) To cooperate and work with federal, state, and local governmental agencies, private organizations, and other entities as may be necessary to carry out the purposes of this article;

(g) To acquire in the name of the state by grant, purchase, gift, devise, or any other methods appropriate, real and personal property as may be reasonable and necessary to carry out the purposes of this article;

(h) To make grants and allocations of funds and property so acquired or which may have been appropriated to the agency to other agencies of state and local government as may be appropriate to carry out the purposes of this article;

(i) To expend and distribute by grant or bailment funds and property to all state and local agencies for the purpose of performing the duties and responsibilities of the agency all funds which it may have so acquired or which may have been appropriated by the Legislature of this state;

(j) To develop, in consultation with the state health officer, a program to inform the public concerning emergency medical services;

(k) To review and disseminate information regarding federal grant assistance relating to emergency medical services;

(l) To prepare and submit to the Governor and Legislature recommendations for legislation in the area of emergency medical services;

(m) To review, make recommendations for, and assist, in consultation with the state health officer, in all projects and programs that provide for emergency medical services whether or not the projects or programs are funded through the Office of Emergency Medical Services. A review

and approval shall be required for all emergency medical services projects, programs, or services for which application is made to receive state or federal funds for their operation after the effective date of this act;

(n) To cooperate with the Department of Administration, Purchasing Division to establish one or more statewide contracts for equipment and supplies utilized by emergency medical services agencies in accordance with §5A-3-1 *et seq.* of this code:

(1) Any statewide contract established hereunder shall be made available to any emergency medical services agency licensed under §16-4C-6a of this code that is designated to provide emergency response by one or more county emergency dispatch centers.

(2) The office may develop uniform standards for equipment and supplies used by emergency medical services agencies in accordance with §5A-3-1 *et seq.* of this code.

(3) The office shall propose legislative rules for promulgation in accordance with §29A-3-1 *et seq.* of this code to effectuate the provisions of this subsection; and

(o) To take all necessary and appropriate action to encourage and foster the cooperation of all emergency medical service providers and facilities within this state; and

(p) To establish a program for emergency medical technicians, who, after three years of serving as an emergency medical technician, are eligible for state assistance through the fund established in §16-4C-24 of this code to become a certified paramedic.

§16-4C-10. Procedures for hearing.; right of appeal; judicial review.

(a) Hearings are governed by the provisions of article five, chapter twenty-nine a of this code §29A-5-1 *et seq.* of this code.

(b) The commissioner or director may conduct the hearing or elect to have an Administrative Law Judge conduct the hearing.

(c) If the hearing is conducted by an Administrative Law Judge, the Administrative Law Judge shall prepare a proposed written order at the conclusion of a hearing containing findings of fact and conclusions of law. The proposed order may contain proposed disciplinary actions if the commissioner or director so directs. The commissioner may accept, reject or modify the decision of the Administrative Law Judge.

(d) The commissioner or director has the authority to administer oaths, examine any person under oath and issue subpoenas and subpoenas duces tecum.

(e) If, after a hearing, the commissioner or director determines the licensee or holder of a certificate has violated any provision of this article or the legislative rules promulgated pursuant to this article, a formal written decision shall be prepared which contains findings of fact, conclusions of law and a specific description of the disciplinary actions imposed.

(f) The order of the Commissioner or director is final unless vacated or modified upon judicial review.

(g) Any licensee or certificate holder adversely affected by a final order made and entered by the commissioner or director is entitled to judicial review. All of the pertinent provisions of section four, article five, chapter twenty-nine-a of this code apply to and govern the review with like effect as if the provisions of the section were set forth herein.

(h) The judgment of the circuit court is final unless reversed, vacated or modified on appeal to the Supreme Court of Appeals in accordance with the provisions of section one, article six, chapter twenty-nine-a of this code.

§16-4C-24. Emergency Medical Services Equipment and Training Fund; establishment of a grant program for equipment and training of emergency medical service providers and personnel.

(a) There is hereby created continued in the State Treasury a special revenue fund to be known as the Emergency Medical Services Equipment and Training Fund. Expenditures from the fund by the Office of Emergency Medical Services and Bureau for Public Health, are authorized from collections. The fund may only be used for the purpose of providing grants to equip emergency medical services providers and train emergency medical services personnel, as defined in §16-4C-3 of this code, and for the program established in §16-4C-6(p). Any balance remaining in the fund at the end of any fiscal year does not revert to the General Revenue Fund but remains in the special revenue fund.

(b) The Commissioner of the Bureau for Public Health secretary shall establish a grant program for equipment, and training of emergency medical services providers and personnel, and for the program established in §16-4C-6(p). Such grant program shall be open to all emergency medical services personnel and providers, but priority shall be given to rural and volunteer emergency medical services providers.

(c) The Commissioner of the Bureau for Public Health secretary shall propose legislative rules for promulgation in accordance with §29A-3-1 *et seq.* of this code to implement the grant program established pursuant to this section and for the program established in §16-4C-6(p).”

And,

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

Com. Sub. for H. B. 5347 – “A Bill to amend and reenact §16-4C-6, §16-4C-10, and §16-4C-24 of the Code of West Virginia, 1931, as amended, all relating to emergency medical services; establishing a program for emergency medical technicians to become certified paramedics; revising procedures for hearing; and providing for funding of the program for emergency medical technicians to become certified technicians.”

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. 442**), 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: Fluharty, Horst and Howell.

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. 5347) passed.

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

On this question, the yeas and nays were taken (**Roll No. 443**), 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: Fluharty, Horst and Howell.

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. 5347) takes effect July 1, 2024.

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

In accordance with Joint Rule 25, at the request of Delegate Householder, unanimous consent was obtained to suspend Joint Rule 31 to consider naming resolutions after the 50th Day.

A message from the Senate, by

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

Com. Sub. for H. C. R. 6, U. S. Army Staff Sgt. James Ira "Junior" Spurrier Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 21, Louie Patton Memorial Bridge.

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

On page 2, in the Resolved clause, line 34, by striking out the word "Louie" and inserting in lieu thereof the words "U.S. Army SP5 Louie";

On page 2, in the first Further Resolved clause, line 37, by striking out the word "Louie" and inserting in lieu thereof the words "U.S. Army SP5 Louie";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

H. C. R. 21 - "Requesting the Division of Highways name Bridge Numbers: 20-079/00-015.97 (NB & SB) (20A512, 25A213), (38.50709, -81.40960) locally known as I-79 GABES CR BR 2675 NB & SB, carrying IS 79 over CR 53 & GABES CREEK in Kanawha County, West Virginia, as the " U.S. Army SP5 Louie Patton Memorial Bridge".

The resolution, as amended by the Senate, was then adopted.

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

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

A message from the Senate, by

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

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

A message from the Senate, by

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

H. C. R. 67, Kenneth R. Lucas Memorial Bridge.

Motions

Delegate C. Pritt asked and obtained unanimous consent to be removed as a cosponsor of H. C. R. 57.

Special Calendar

Third Reading

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 444**), and there were-- yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Vance.

Absent and Not Voting: Fluharty, Horst, Howell and Kump.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 574) passed.

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

On this question, the yeas and nays were taken (**Roll No. 445**), and there were--yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Vance.

Absent and Not Voting: Fluharty, Horst, Howell and Kump.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 574) takes effect from its passage.

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

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 446**), and there were--yeas 96, nays 1, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Vance.

Absent and Not Voting: Fluharty, Horst and Howell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 696) passed.

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

On this question, the yeas and nays were taken (**Roll No. 447**), and there were--yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Vance.

Absent and Not Voting: Fluharty, Garcia, Horst and Howell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 696) takes effect from its passage.

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

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 448**), and there were--yeas 96, nays 1, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Dillon.

Absent and Not Voting: Fluharty, Horst and Howell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 700) passed.

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

On this question, the yeas and nays were taken (**Roll No. 449**), and there were--yeas 96, nays 1, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Dillon.

Absent and Not Voting: Fluharty, Horst and Howell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 700) takes effect from its passage.

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

S. B. 701, Supplementing and amending appropriations to Department of Education, School Construction Fund; on third 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. 703, Supplementing and amending appropriations to Department of Homeland Security, WV State Police; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 450**), 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: Fluharty, Horst and Howell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 703) passed.

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

On this question, the yeas and nays were taken (**Roll No. 451**), 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: Fluharty, Horst, Howell and Williams.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 703) takes effect from its passage.

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

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 452**), and there were--yeas 93, nays 3, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Dillon, Foster and Ridenour.

Absent and Not Voting: Fluharty, Horst, Howell and Williams.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 707) passed.

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

On this question, the yeas and nays were taken (**Roll No. 453**), and there were--yeas 96, nays 1, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Dillon.

Absent and Not Voting: Fluharty, Horst and Howell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 707) takes effect from its passage.

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

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 454**), and there were--yeas 87, nays 10, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Brooks, Burkhammer, Dillon, Foggin, Longanacre, Martin, Miller, Thorne, Vance and Worrell.

Absent and Not Voting: Fluharty, Horst and Howell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 708) passed.

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

On this question, the yeas and nays were taken (**Roll No. 455**), and there were--yeas 94, nays 3, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Brooks, Dillon and Vance.

Absent and Not Voting: Fluharty, Horst and Howell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 708) takes effect from its passage.

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

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 456**), and there were--yeas 96, nays 1, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Dillon.

Absent and Not Voting: Fluharty, Horst and Howell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 709) passed.

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

On this question, the yeas and nays were taken (**Roll No. 457**), and there were--yeas 96, nays 1, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Dillon.

Absent and Not Voting: Fluharty, Horst and Howell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 709) takes effect from its passage.

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

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 458**), and there were--yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Fluharty, Horst and Howell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 710) passed.

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

On this question, the yeas and nays were taken (**Roll No. 459**), and there were--yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Fluharty, Horst and Howell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 710) takes effect from its passage.

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

S. B. 782, Defining deadlines for local permits and extensions for property development or improvement; 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. 460**), and there were--yeas 91, nays 5, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: W. Clark, Dillon, Hansen, Pushkin and Young.

Absent and Not Voting: Bridges, Fluharty, Horst and Howell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 782) passed.

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

S. B. 802, Updating consumer credit and protection laws on certain agricultural vehicles and equipment; 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. 461**), and there were--yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Fluharty, Horst and Howell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 802) passed.

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

Second Reading

Com. Sub. for S. B. 17, Authorizing Department of Health to promulgate legislative rules; on second reading, coming up in regular order, was read a second time.

An amendment recommended by the Committee on Health and Human Resources was reported by the Clerk.

Whereupon,

Delegate Summers asked and obtained unanimous consent that the amendment be withdrawn.

On motion of Delegate Fast, the bill was amended on page 3, line 28, by striking the period and inserting in lieu thereof the following:

"with the following amendment:

On page 3, by striking section 5 in its entirety and inserting in lieu thereof a new section 5 to read as follows:

"§64-15-5. When Protection Is Required.

5.1. The commissioner or his or her designee may determine, upon conducting a risk assessment, that any water supply system must be equipped with a backflow prevention assembly to protect the health and sanitation of water, whether publicly or privately owned: *Provided*, That water supply systems shall not require a backflow prevention assembly unless any of the following are met:

5.1.1. it cross-connects with a sprinkler or fire suppression system;

5.1.2. it cross-connects with an active auxiliary water source or water well;

5.1.3. it cross-connects with any fluid storage tank, tub, pool or cistern 85 gallons or larger with a public water inlet that can be below the water level;

5.1.4. it cross-connects with a boiler system;

5.1.5. it cross-connects with any land irrigation system; or

5.1.6. The property serviced by the public water supply is a funeral home or mortuary, restaurant, dry cleaner, medical facility, beauty and nail salon, car wash, multi-tenant retail space, commercial building three stories or taller, or commercial space with a dedicated fire service line/sprinkler system, industrial facility, salvage and/or wastewater facility, food processing facility, recycling facility where cross-connected to the public water supply, correctional facility, or any other customer using chemicals harmful to human health that are cross-connected to the public water supply."

On motion of Delegate Summers, the bill was amended on page 2, line 19, by striking the period and inserting the following:

"with the following amendment:

On page 48, by inserting a new section §18 to read as follows:

'18.1 A hospital shall conduct and report the survey results in plain language of the 'Hospital Consumer Assessment of Healthcare Provider and Systems Survey (HCAHPS)' and 'Center for Medicare & Medicaid Services (CMS) Hospital Inpatient Quality Reporting (IQR). A hospital shall place a menu item, entitled, 'Quality Information' in the 'Footer' of all patient-facing pages of its website. The link shall directly connect the user to another page on the hospital's website which shall provide the public results of all CMS Hospital Compare reporting measures: *Provided*, That results shall include 'Preferred Direction of Results'; most current quarterly results submitted to CMS expressed as a numerator/denominator of incidents/total procedures; last published results

with date; 'State Average'; and 'National Average'. A hospital not required by CMS to conduct such surveys is exempt from this provision.'

And,

Renumbering the remaining sections accordingly.

The bill was then ordered to third reading.

S. B. 160, Updating language and increasing penalties for indecent exposure; 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 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. 504, Relating to felony offense of sexual intercourse, intrusion, or contact with student; on second reading, coming up in regular order, was read a second time.

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

"ARTICLE 8B. SEXUAL OFFENSES.

§61-8B-11b. Prohibiting sexual intercourse, sexual intrusion, or sexual contact, ~~or intrusion~~ against students by school employees; exception; penalties.

(a) Any teacher, principal, counselor, coach, other employee, volunteer, or school resource officer of any private or public elementary or secondary school who engages in sexual intercourse, sexual intrusion, or sexual contact, as those terms are defined in §61-8B-1 of this code, with any student enrolled in ~~the school~~ any private or public elementary or secondary school regardless of the age of the student is guilty of a felony and upon conviction thereof, shall be imprisoned in a state correctional facility for not less than one nor more than five years or fined not more than \$5,000 or both imprisoned and fined. The fact that the student may have consented to ~~such an~~ the act or that the act did not occur on school property or during a school function is not a defense.

(b) For purposes of this section:

(1) A private elementary or secondary school means any school enrolling students who are exempt from compulsory school attendance under either §18-8-1(b) of this code or §18-8-1 (k) of this code; and

(2) A public elementary or secondary school means any school under the general supervision of the West Virginia Board of Education pursuant to section two, article XII of the West Virginia Constitution.

(c) Any student under the age of 18 years currently enrolled in a secondary school and engaged in a wage-earning registered youth apprenticeship program, as authorized under §18A-3-1 of this code or approved by the state board, may not be prosecuted for a violation of subsection (a) of this section, including those secondary school students under the age of 18 years participating in the Grow Your Own teacher pathway or any Career Technical Education school service personnel training programs.

~~(e)~~ (d) This is a separate and distinct criminal offense from any other applicable offense under this code. The penalties set forth in this section are in addition to any other penalties for any other applicable offense.

~~(d)~~ (e) A final conviction under this section shall cause the permanent forfeiture of any teaching or other certificate issued pursuant to §18A-3-2a of this code.”

On motion of Delegate Fast, the Judiciary Committee amendment was amended, on page 1, section 11b, lines 11 through 13, by striking subdivision (1) in its entirety and inserting in lieu thereof the following:

“(1) A private elementary or secondary school means any private school or other entity authorized to provide an elementary or secondary education to students who are exempt from compulsory school attendance pursuant to §18-8-1 of this code; and”

The committee amendment, as amended, was then adopted.

The bill was then ordered to third reading.

S. B. 613, WV Residential Mortgage Lender, Broker and Servicer Act; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 623, Requiring DMV to provide images of certain individuals to Secretary of State for voter identification purposes; on second reading, coming up in regular order, was read a second time.

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

“Be it enacted by the Legislature of West Virginia:

ARTICLE 2. REGISTRATION OF VOTERS.

§3-2-11. Registration in conjunction with driver licensing.

(a) The Division of Motor Vehicles or other division or department that may be established by law to perform motor vehicle driver licensing services, shall obtain as an integral and simultaneous part of every process of application for the issuance, renewal, or change of address of a motor vehicle driver’s license, or official identification card pursuant to ~~the provisions of §17B-2-1 et seq.~~

of this code, when the division's regional offices are open for regular business, the following information from each qualified registrant:

- (1) Full name, including first, middle, last, and any premarital names;
- (2) Date of birth;
- (3) Residence address and mailing address, if different;
- (4) The applicant's electronic signature and photograph;
- (5) Telephone number, if available;
- (6) Email address, if available;
- (7) Political party membership, if any;
- (8) Driver's license number and last four digits of Social Security number;
- (9) A notation that the applicant has attested that he or she meets all voter eligibility requirements;
- (10) United States citizenship status;
- (11) Whether the applicant affirmatively declined to become registered to vote during the transaction with the Division of Motor Vehicles;
- (12) Date of application; and
- (13) Any other information specified in rules adopted to implement this section.

(b) Unless the applicant affirmatively declines to become registered to vote or update ~~their~~ his or her voter registration during the transaction with the Division of Motor Vehicles, the Division of Motor Vehicles shall release all of the information obtained pursuant to subsection (a) of this section to the Secretary of State, who shall forward the information to the county clerk for the relevant county to process the newly registered voter or updated information for the already-registered voter pursuant to law. The Division of Motor Vehicles shall notify the applicant that by submitting his or her signature, the applicant grants written consent for the submission of the information obtained and required to be submitted to the Secretary of State pursuant to this section.

(c) By no later than January 1, 2020, the Division of Motor Vehicles shall create a regular process that allows the Secretary of State to fulfill his or her duties as provided by §3-2-3 of this code to confirm that persons who are noncitizens of the United States have not and cannot register to vote via the Online Voter Registration portal.

(d) Information regarding a person's failure to sign the voter registration application is confidential and may not be used for any purpose other than to determine voter registration.

(e) A qualified voter who submits the required information or update to his or her voter registration, pursuant to the provisions of subsection (a) of this section, in person at a driver licensing facility at the time of applying for, obtaining, renewing, or transferring his or her driver's

license or official identification card, and who presents identification and proof of age at that time, is not required to make his or her first vote in person or to again present identification in order to make that registration valid.

(f) A qualified voter, who submits, by mail or by delivery by a third party, an application for registration on the form used in conjunction with driver licensing, is required to make his or her first vote in person and present identification as required for other mail registration in accordance with ~~the provisions of~~ §3-2-10(g) of this code. If the applicant has been previously registered in the jurisdiction and the application is for a change of address, change of name, change of political party affiliation, or other correction, the presentation of identification and first vote in person is not required.

(g) An application for voter registration submitted pursuant to the provisions of this section updates a previous voter registration by the applicant and authorizes the cancellation of registration in any other county or state in which the applicant was previously registered.

(h) A change of address from one residence to another within the same county which is submitted for driver licensing or nonoperator's identification purposes in accordance with applicable law, serves as a notice of change of address for voter registration purposes if requested by the applicant after notice and written consent of the applicant.

(i) Completed applications for voter registration or change of address for voting purposes received by an office providing driver licensing services shall be forwarded to the Secretary of State within five days of receipt unless other means are available for a more expedited transmission. The Secretary of State shall remove and file any forms which have not been signed by the applicant and shall forward completed, signed applications to the clerk of the appropriate county commission within five days of receipt.

(j) Voter registration application forms containing voter information which are returned to a driver licensing office unsigned shall be collected by the Division of Motor Vehicles, submitted to the Secretary of State, and maintained by the Secretary of State's office according to the retention policy adopted by the Secretary of State.

(k) The Secretary of State shall establish procedures to protect the confidentiality of the information obtained from the Division of Motor Vehicles, including any information otherwise required to be confidential by other provisions of this code.

(l) A person registered to vote pursuant to this section may cancel his or her voter registration at any time by any method available to any other registered voter.

(m) This section does not require the Division of Motor Vehicles to determine eligibility for voter registration and voting.

(n) Except for the changes made to subsection (b) of this section during the 2017 regular legislative session, the changes made to this section during the 2016 regular legislative session become effective on July 1, 2021, and any costs associated therewith shall be paid by the Division of Motor Vehicles. The Commissioner of the Division of Motor Vehicles, the Secretary of the Department of Transportation, and the Secretary of State shall each appear before the Joint Committee on Government and Finance and the Joint Standing Committee on the Judiciary, during the first interim meetings of such committees occurring after September 1, 2019, to present written reports containing a full and complete list of any infrastructure each agency requires to

achieve the purposes of this section. Along with the report required by this subsection, the Division of Motor Vehicles shall submit a written schedule to both committees outlining how the division will implement the requirements of this section by July 1, 2021.

(o) The Secretary of State shall propose rules for legislative approval in accordance with ~~the provisions of §29A-3-1 et seq.~~ of this code to implement the requirements of this section.

(p) Notwithstanding any other provisions of this Code to this contrary, the Division of Motor Vehicles shall not release or forward information obtained pursuant to subsection (a) of this section to the Secretary of State if the qualified registrant is not a United States citizen.

(q) The amendments to this section enacted by the Legislature in the 2024 Regular Session are effective January 1, 2025.”

The following amendment to the bill was filed by Delegate Butler, on page 2, section 3-2-11, line 31, by striking out subsection (c) in its entirety and inserting in lieu thereof the following:

“(c) As soon as practicable, but no later than 90 days following the effective date of amendments made during the 2024 Regular Legislative Session, the Division of Motor Vehicles shall create a regular process, including but not limited to the requirements of §3-2-11(p) of this code, that ensures the Secretary of State can fulfill his or her duties as provided by §3-2-3 of this code to confirm that any applicant to register to vote in West Virginia through the Division of Motor Vehicles is in fact a U.S. citizen eligible to vote in West Virginia and to ensure that persons who are noncitizens of the United States have not and cannot register to vote in West Virginia.

And on page 4, section 3-2-11, line 87, by striking out subsection (p) in its entirety and inserting in lieu thereof the following:

(p) Notwithstanding any other provisions of this Code to the contrary, the Division of Motor Vehicles shall expeditiously and comprehensively release and forward all information obtained pursuant to subsection (a) of this section purporting to document an applicant’s status as a U.S. citizen to the Secretary of State of any applicant attempting to register to vote in West Virginia. This information shall be used for the express purpose of expediting the Secretary of State’s fulfillment of his or her duties pursuant to §3-2-11(c) and §3-2-3 of this code requiring the Secretary of State to confirm that persons who are noncitizens of the United States have not and cannot register to vote in the state of West Virginia.

(q) The amendments to this section enacted by the Legislature in the 2024 Regular Session are effective upon passage.”

Unanimous consent was obtained for the Clerk’s Office to reform the amendment as an amendment to the committee amendment.

And,

On motion of Delegate Butler, the committee amendment was amended on page 2, section 3-2-11, line 31, by striking out subsection (c) in its entirety and inserting in lieu thereof the following:

“(c) As soon as practicable, but no later than 90 days following the effective date of amendments made during the 2024 Regular Legislative Session, the Division of Motor Vehicles

shall create a regular process, including but not limited to the requirements of §3-2-11(p) of this code, that ensures the Secretary of State can fulfill his or her duties as provided by §3-2-3 of this code to confirm that any applicant to register to vote in West Virginia through the Division of Motor Vehicles is in fact a U.S. citizen eligible to vote in West Virginia and to ensure that persons who are noncitizens of the United States have not and cannot register to vote in West Virginia.

And on page 4, section 3-2-11, line 87, by striking out subsections (p) and (q) in their entirety and inserting in lieu thereof the following:

(p) Notwithstanding any other provisions of this Code to the contrary, the Division of Motor Vehicles shall expeditiously and comprehensively release and forward all information obtained pursuant to subsection (a) of this section purporting to document an applicant's status as a U.S. citizen to the Secretary of State of any applicant attempting to register to vote in West Virginia. This information shall be used for the express purpose of expediting the Secretary of State's fulfillment of his or her duties pursuant to §3-2-11(c) and §3-2-3 of this code requiring the Secretary of State to confirm that persons who are noncitizens of the United States have not and cannot register to vote in the state of West Virginia.

(q) The amendments to this section enacted by the Legislature in the 2024 Regular Session are effective upon passage."

The committee amendment, as amended, was then adopted.

The bill was then ordered to third reading.

S. B. 650, Supplementing and amending appropriations to Higher Education Policy Commission, Fairmont State University; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 653, Supplementing and amending appropriations to School Building Authority, School Construction Fund; 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. 714, Transferring duties and licensing from Board of Osteopathic Medicine to Board of Medicine; on second reading, coming up in regular order, was read a second time.

An amendment recommended by the Committee on Government Organization was reported by the Clerk.

Whereupon,

Delegate McGeehan asked and obtained unanimous consent that the amendment be withdrawn.

On motion of Delegate Phillips, the bill was amended on page 3, §30-3-4, line 3, after the words 'Accredited osteopathic' by striking out the word 'college' and inserting in lieu thereof the words 'medical school'.

On page 3, §30-3-4, line 3, after the words 'college of' by striking out the word 'osteopathy' and inserting in lieu thereof the words "osteopathic medicine".

On page 3, §30-3-4, line 5, after the words "or by the" by striking out the words "college accrediting agency of the American Osteopathic Association" and inserting in lieu thereof the words "Commission on Osteopathic College Accreditation (COCA)".

On page 3, §30-3-4, line 8, after the words "established by the" by striking out the words "American Osteopathic Association" and inserting in lieu thereof the word "COCA".

On page 5, §30-3-4, line 38, by striking out the words

""Osteopathy" means a system of healing arts which places the chief emphasis on the structural integrity of the body mechanism as being the most important single factor in maintaining the well-being of the organism in health and disease" and inserting in lieu thereof the words

""Osteopathic medicine and surgery" means a complete system of medical care with a philosophy that combines the needs of the patient with the current practice of medicine, surgery, and obstetrics; that emphasizes the concept of body unity, the interrelationship between structure and function; and that has an appreciation of the body's ability to heal itself".

On page 8, §30-3-5, line 64, after the words "at least" by striking out the remainder of the sentence and inserting in lieu thereof the words "five of which shall be allopathic physicians and at least five of which shall be osteopathic physicians".

On page 13, §30-3-7, line 28, after the words "§5A-3-1 *et seq.*" by striking out the words "and §5A-6-1 *et seq.*".

On page 24, §30-3-10b, line 4, after the word "allopathic" by inserting the words "or osteopathic".

On page 24, §30-3-10b, line 19, after the words "medical school" by inserting the words "or accredited osteopathic college".

On page 24, §30-3-10b, line 22, after the words "practice allopathic" by inserting the words "or osteopathic".

On page 24, §30-3-10b, line 23, after the words "medical school" by inserting the words "or accredited osteopathic college".

On page 36, §30-3-13, line 70, after the word "band" by striking out the words "member, cheerleader, mascot" and inserting in lieu thereof the words "members, cheerleaders, mascots".

On page 49, §30-3-16, line 43, after the word "allopathic" by inserting the words "and osteopathic".

On page 50, §30-3-22, line 1, after the word "funds" by striking out the words "as expended pursuant to the authority granted under" and inserting in lieu thereof the words "provided in".

On page 58, §30-3G-8, line 17, by striking out the word "provide" and inserting in lieu thereof the word "providing".

And,

On page 63, §30-3G-11, line 10, by striking out the words "moral turpitude".

The bill was then ordered to third reading.

Delegate Ridenour requested that Com. Sub. for S. B. 714 be advanced to third reading with the right to amend, objection being heard.

Com. Sub. for S. B. 774, Mountain Bike Responsibility Act; on second reading, coming up in regular order, was read a second time.

An amendment was recommended by the Committee on Economic Development and Tourism, and adopted, on page 1, by striking everything after the enacting clause and inserting in lieu thereof the following:

“CHAPTER 19. AGRICULTURE

ARTICLE 25. LIMITING LIABILITY OF LANDOWNERS.

§19-25-5. Definitions.

Unless the context used clearly requires a different meaning, as used in this article:

"Agricultural purposes" means the raising, cultivation, drying, harvesting, marketing, production, or storage of agricultural products, including both crops and livestock, for sale or use in agriculture or agricultural production, or the storage of machinery or equipment used in support of agricultural production;

"Charge" means (A) For purposes of limiting liability for recreational or wildlife propagation purposes set forth in §19-25-2 of this code, the amount of money asked in return for an invitation to enter or go upon the land, including a one-time fee for a particular event, amusement, occurrence, adventure, incident, experience, or occasion which may not exceed \$50 a year per recreational participant: *Provided*, That the monetary cap on charges imposed pursuant to this article does not apply to the provisions of §20-14-1 *et seq.* of this code pertaining to the Hatfield-McCoy Regional Recreation Authority or activities sponsored on the Hatfield-McCoy regional recreational authority; (B) For purposes of limiting liability for military, law enforcement, or homeland-defense training set forth in §19-25-6 of this code, the amount of money asked in return for an invitation to enter or go upon the land;

"Land" includes, but is not limited to, roads, water, watercourses, rocks, boulders, caves, private ways, and buildings, structures, and machinery or equipment, when attached to the realty;

"Noncommercial recreational activity" does not include any activity for which there is any charge which exceeds \$50 per year per participant;

"Owner includes, but is not limited to, a tenant, lessee, occupant, or person in control of the premises;

"Recreational purposes" includes but is not limited to, any one or any combination of the following noncommercial recreational activities: Hunting, fishing, swimming, boating, camping,

picnicking, hiking, rock climbing, bouldering, caving, rappelling, slacklining pleasure driving, motorcycle or all-terrain vehicle riding, bicycling, mountain biking, horseback riding, spelunking, nature study, water skiing, winter sports, and visiting, viewing, or enjoying historical, archaeological, scenic, or scientific sites, aircraft or ultralight operations on private airstrips or farms or otherwise using land for purposes of the user;

"Wildlife propagation purposes" applies to and includes all ponds, sediment control structures, permanent water impoundments, or any other similar structure created in connection with surface mining activities as governed by §22-3-1 *et seq.* of this code or from the use of surface in the conduct of underground coal mining as governed by that article and any rules promulgated because of the article, which ponds, structures, or impoundments are designated and certified in writing by the director of the Division of Environmental Protection and the owner to be necessary and vital to the growth and propagation of wildlife, animals, birds, fish, or other forms of aquatic life and finds and determines that the premises have the potential of being actually used by the wildlife for those purposes and that the premises are no longer used or necessary for mining reclamation purposes. The certification shall be in form satisfactory to the director and shall provide that the designated ponds, structures, or impoundments may not be removed without the joint consent of the director and the owner; and

"Military, law enforcement, or homeland-defense training" includes, but is not limited to, training, encampments, instruction, overflight by military aircraft, parachute drops of personnel or equipment, or other use of land by a member of the Army National Guard or Air National Guard, a member of a reserve unit of the armed forces of the United States, a person on active duty in the armed forces of the United States, a state or federal law-enforcement officer, a federal agency or service employee, a West Virginia military authority employee or a civilian contractor supporting the military and/or government employees acting in that capacity.

CHAPTER 20. NATURAL RESOURCES.

ARTICLE 20. MOUNTAIN BIKE RESPONSIBILITY ACT.

§20-20-1. Legislative findings.

The West Virginia Legislature finds that our natural resources and topography provide world class opportunities to attract both resident and nonresident bicyclists to this state to enjoy the sport of mountain biking, significantly contributing to the economy of West Virginia. Further, it is recognized that there are inherent risks in the sport of bicycling, and the purpose of this article is to define those areas of responsibilities and affirmative acts for which the mountain operators shall be liable for loss, damage, or injury and to define those risks that the bicyclist expressly assume. Nothing in this article shall impact other defenses that may be raised by mountain operators against claims asserted by bicyclists.

§20-20-2. Definitions.

The terms in this article have the following meaning, unless the context clearly requires a different meaning:

(1) "Aerial passenger tramway" means any device operated by a trail system operator used to transport passengers by single or double reversable tramway, chairlift or gondola lift, T-bar lift, J-bar lift, platter lift, or similar device; a fiber rope or wire rope tow, or a conveyor.

(2) "Mountain Bicyclist" means any person present at a trail system area under the control of a trail system operator for the purpose of engaging in activities, including, without limitation, bicycling downhill or uphill, jumping on a bicycle, or any other cycling device. "Mountain Bicyclist" does not include a person using an aerial passenger tramway.

(3) "Trail system area" means the property owned, leased, or authorized under a special use permit, and under the control of the trail system operator.

(4) "Trail system operator" means any person, partnership, corporation, or other commercial entity, its agents, officers, employees, or representatives, who has, as part of a commercial, private, or for-profit endeavor, operational responsibility for mountain bicycling activities at any trail system area and the use of an aerial passenger tramway for such purpose. Trail system operator does not include any public or non-profit corporation, its agents, officers, employees, or representatives, who has operational responsibility of mountain bicycling activities at any trail system area.

(5) "Passenger" means any person who is lawfully using an aerial passenger tramway, or is waiting to embark, or has recently disembarked from an aerial passenger tramway and is in its immediate vicinity.

(6) "Mountain Bike trails" means all mountain bike trails designated by the trail system operator to be used by mountain bicyclists for the purpose of participating in the sport of mountain biking including, but not limited, to downhill trails, cross-country trails, free ride trails, pump tracks, and skills areas.

§20-20-3. Duties of trail system operators with respect to trail system.

Every trail system operator shall:

(1) Maintain a trail board at a prominent location at the trail system area displaying that area's network of mountain bike trails;

(2) Designate and mark conspicuously all mountain bike trails with a name and color, or symbol recognized in the mountain biking industry reflecting the relative degree of difficulty of the mountain bike trail. Such designation shall be at or near the top or entrance of the mountain bike trail. Any mountain bike trail which is closed shall be so marked at the trailhead;

(3) Follow published operational industry standards and guidelines;

(4) Provide internal trained and dedicated emergency response personnel or enter into an adequate emergency response plan with a local fire or EMS agency, or post at the trail board maintained under subdivision (1) of this section, instructions on how to contact emergency response personnel;

(5) Maintain the mountain bike trails in a reasonably safe condition, except that such trail system operator shall not be responsible for any injury, loss or damage caused by the following: uneven or slippery rail and feature conditions; varying slopes and terrain; bumps; stumps; trees; roots; forest growth; cliffs; rock and rock drops; loose gravel and dirt; wet surfaces; holes and potholes; downed timber; debris; depressions; other bicyclists; dark tunnels; jumps; bridges; dirt or wood features/jumps; elevated features; and other constructed features; lift loading and unloading; padded and nonpadded barriers; paved surfaces; collisions with vehicles, pedestrians,

wildlife, heavy equipment, or other similar objects; and mechanical or other failure of rental or personal equipment;

(6) Post at the trail board maintained under subdivision (1) of this section the following language:

WARNING – ASSUMPTION OF RISKS:

Under West Virginia law, every mountain bicyclist is considered to have accepted, and to have knowledge of, the risk of injury (including death) to the mountain bicyclist, as well as damage to property of the mountain bicyclist. Under West Virginia law, every mountain bicyclist has the duty to take the precautions that are necessary to avoid injury or death, as well as damage to property. West Virginia law sets forth certain limitations on the liability of trail system operators for injury or death to a bicyclist, as well as damage to property.

(7) Post a sign at all aerial passenger tramways that advises the passengers to seek advice if not familiar with riding the aerial passenger tramway; and

(8) Construct, operate, maintain, and repair any aerial passenger tramway in accordance with relevant and published national standards and safety requirements for such machinery.

§20-20-4. Duties of passengers.

No passenger shall:

(1) Board or embark upon, or disembark from, an aerial passenger tramway except at an area designated for such purpose;

(2) Drop, throw, or expel any object from an aerial passenger tramway;

(3) Perform any act that interferes with the running or operation of an aerial passenger tramway;

(4) Use any aerial passenger tramway if the passenger does not have the ability to use it safely without instruction, until the passenger has received sufficient instruction to permit safe usage;

(5) Embark on an aerial passenger tramway without engaging such safety or restraining devices as may be provided;

(6) Embark on an aerial passenger tramway without the authority, expressed or implied, of the trail system operator;

(7) Embark on an aerial passenger tramway while impaired by alcohol or drugs.

§20-20-5. Duties of mountain bicyclists.

(a) It is expressly recognized that mountain bicycling as a recreational sport is hazardous, regardless of all feasible safety measures which can be taken.

(b) Each mountain bicyclist expressly assumes the risk of, and legal responsibility for, any injury, loss or damage to person or property which results from participation in the sport of

mountain bicycling including, but not limited to, any injury, loss or damage caused by the following: uneven or slippery trail and feature conditions; varying slopes and terrain; bumps, stumps; trees; roots; forest growth; cliffs; rock and rock drops; loose gravel and dirt; wet surfaces; holes and potholes; downed timber; debris; depressions; other bicyclists; dark tunnels; jumps; bridges; dirt or wood features/jumps; elevated features and other constructed features; lift loading and unloading; padded and nonpadded barriers; paved surfaces; collisions with vehicles, pedestrians, wildlife, heavy equipment or other similar objects; and mechanical or other failure of rental or personal equipment.

(c) Each mountain bicyclist shall have the sole individual responsibility for knowing the range of his or her own ability to negotiate any trail. Further, it shall be the duty of each mountain bicyclist to ride within the limits of the mountain bicyclist's own ability; to maintain reasonable control of speed and course at all times while mountain bicycling; to heed all posted warnings; to mountain bicycle only on a bike trail area designated by the trail system operator; to assess the difficulty of mountain bike trails; to be able to stop or avoid other individuals and objects; and to refrain from acting in a manner which may cause or contribute to the injury of anyone.

(d) If involved in a collision with another individual that results in injury, it shall be the duty of a mountain bicyclist to remain in the vicinity of the collision until giving his or her name and current address to a representative of the trail system operator or to all other parties to the collision except to secure aid for a person injured in a collision. A mountain bicyclist who leaves the vicinity to secure aid shall provide his or her name and current address after securing the aid.

(e) If while mountain bicycling any mountain bicyclist collides with any object or person, except an obviously intoxicated person of whom the trail system operator is aware, the responsibility for such collision shall be solely that of the mountain bicyclist or mountain bicyclists involved and not that of the trail system operator.

§20-20-6. Liability of trail system operator.

(a) A trail system operator may be liable for injury, loss, or damage caused by its failure to follow the duties set forth in section four of this article where the violation of duty is causally related to the injury, loss, or damage suffered.

(b) A trail system operator is not liable for any injury, loss, or damage caused by the negligence of any person who is not an agent or employee of the trail system operator.

(c) A trail system operator is not liable for any injury, loss, or damage caused by a mountain bicyclist or passenger's violation of any duty described in this article.

(d) Every trail system operator shall carry public liability insurance in limits of no less than \$100,000 per person, \$300,000 per occurrence, and \$10,000 for property damage.

§20-20-7. Liability of passengers.

Any passenger may be liable for injury, loss, or damage resulting from violations of the duties established in section four of this article where the violation of duty is causally related to the injury, loss, or damage suffered.

§20-20-8. Liability of mountain bicyclist.

Any mountain bicyclist may be liable for injury, loss, or damage resulting from violations of the duties established in section five of this article where the violation of duty is causally related to the injury, loss, or damage suffered.

§20-20-9. Release of minor participant.

A parent or guardian of a minor participant may execute a release assuming responsibility for the risks of the minor participant. The release must give notice to the minor participant, and the parent or guardian, of the risks associated with the release.”

The bill was then ordered to third reading.

S. B. 827, Providing for regional distribution and dismantling centers; on second reading, coming up in regular order, was read a second time.

An amendment was recommended by the Committee on Energy and Manufacturing, and adopted, on page 2, section 2, beginning on line 20, after with word “defined” by inserting the words “in this section” and striking the remainder of the sentence;

And,

On page 6, section 4, on line 74, by striking the word “licensed” and inserting in lieu thereof the word “permitted”.

The bill was then ordered to third reading.

Com. Sub. for H. B. 4025, Budget Bill; on second reading, coming up in regular order, was read a second time.

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

H. B. 5449, Supplementing and amending appropriations to Health Facilities, William R. Sharpe Jr. Hospital and Mildred Mitchell-Bateman Hospital; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 5453, Supplementing and amending appropriations to the Division of Health, Central Office; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 5455, Supplementing and amending appropriations to the School Building Authority; 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 H. B. 5457, Supplementing and amending appropriations to the Division of Human Services; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 5458, Supplementing and amending appropriations to the Higher Education Policy Commission, administration, control account; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 5471, Supplementing and amending appropriations to the Division of Administrative Services, Criminal Justice Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 5699, Supplementing and amending appropriations to the Department of Arts, Culture, and History, Division of Culture and History; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

At the request of Delegate Householder, unanimous consent was then obtained to return to further consideration of **S. B. 657**, Expiring funds from Excess Lottery Revenue Fund to General Revenue, for the purpose of having the bill read a first time.

The bill was then read a first time and ordered to second reading.

At 12:36 p.m., on motion of Delegate Householder, the House of Delegates recessed until 5:00 p.m.

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Evening Session

* * * * *

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

First Reading

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

And,

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

At the request of Delegate Hott, and by unanimous consent, the House returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

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. 587, Enabling State Fire Commission to propose legislative rules,

And,

Com. Sub. for S. B. 786, Relating to massage therapy establishments,

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

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

Your Committee on Government Organization has had under consideration:

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

Com. Sub. for S. B. 445, Reducing certification periods and renewal fees for EMS personnel,

Com. Sub. for S. B. 557, Relating to compensation for firefighters required to work holidays,

And,

S. B. 732, Requiring cooperation between law-enforcement agencies and military authorities,

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

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. 142, Clarifying deadline to file annual report for companies authorized to do business in WV,

S. B. 262, Clarifying procedure for administrative dissolution of corporations by Secretary of State,

S. B. 530, Removing requirement for counties to draft and adopt zoning ordinances,

S. B. 610, Clarifying authority of Water Development Authority in certain circumstances,

Com. Sub. for S. B. 690, Establishing WV Agritourism Commission,

And,

Com. Sub. for S. B. 826, Creating exemption from bond or security requirement of banking institutions holding certain funds for county commissions,

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:

Com. Sub. for S. B. 2, Authorizing DEP to promulgate rules,

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:

S. B. 155, Creating Violent Crime Prevention Act,

And,

S. B. 166, Updating contested elections procedures,

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:

Com. Sub. for S. B. 36, Authorizing Department of Homeland Security to promulgate legislative rules,

Com. Sub. for S. B. 50, Authorizing Department of Revenue to promulgate legislative rules,

Com. Sub. for S. B. 60, Authorizing DOT to promulgate legislative rules,

And,

Com. Sub. for S. B. 542, Amending procedure for filling vacancies in certain county offices having more than three commissioners,

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

Leaves of Absence

At the request of Delegate Hott, and by unanimous consent, leaves of absence for the day were granted Delegates Fluharty, Horst and Howell.

Miscellaneous Business

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

H. C. R. 95, Delegate Kirby.

At 6:14 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, March 5, 2024.

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

SPECIAL CALENDAR

Tuesday, March 5, 2024

56th Day

11:00 A.M.

THIRD READING

- | | |
|----------------------------|--|
| Com. Sub. for S. B. 17 - | Authorizing Department of Health to promulgate legislative rules |
| S. B. 160 - | Updating language and increasing penalties for indecent exposure
[Right to Amend] |
| S. B. 173 - | Modifying certain guidelines for motor vehicle dealers, distributors,
wholesalers, and manufacturers [Right to Amend] |
| Com. Sub. for S. B. 200 - | Budget Bill [Right to Amend] |
| 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. 701 - | Supplementing and amending appropriations to Department of
Education, School Construction Fund |
| Com. Sub. for S. B. 714 - | Transferring duties and licensing from Board of Osteopathic
Medicine to Board of Medicine |
| 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 [Right to Amend] |
| 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 |
| 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

SECOND 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
- S. B. 653 - Supplementing and amending appropriations to School Building Authority, School Construction Fund
- S. B. 657 - Expiring funds from Excess Lottery Revenue Fund to General Revenue
- 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
- H. B. 5455 - Supplementing and amending appropriations to the School Building Authority
- H. B. 5470 - Expiring funds from Lottery Net Profits to General Revenue Surplus

FIRST READING

- Com. Sub. for S. B. 2 - Authorizing DEP to promulgate rules
- Com. Sub. for S. B. 36 - Authorizing Department of Homeland Security to promulgate legislative rules
- Com. Sub. for S. B. 50 - Authorizing Department of Revenue to promulgate legislative rules
- Com. Sub. for S. B. 60 - Authorizing DOT to promulgate legislative rules
- S. B. 142 - Clarifying deadline to file annual report for companies authorized to do business in WV
- S. B. 149 - Relating to municipalities required to be represented on county authority boards
- S. B. 155 - Creating Violent Crime Prevention Act
- S. B. 166 - Updating contested elections procedures
- S. B. 170 - Relating to compensable diseases of certain firefighters covered by workers' compensation
- Com. Sub. for S. B. 261 - WV Veterans' Home Loan Mortgage Program of 2024
- S. B. 262 - Clarifying procedure for administrative dissolution of corporations by Secretary of State
- S. B. 378 - Prohibiting smoking in vehicle when minor 16 or under is present
- S. B. 430 - WV Rent-to-Own Act
- Com. Sub. for S. B. 445 - Reducing certification periods and renewal fees for EMS personnel
- S. B. 530 - Removing requirement for counties to draft and adopt zoning ordinances
- Com. Sub. for S. B. 542 - Amending procedure for filling vacancies in certain county offices having more than three commissioners
- Com. Sub. for S. B. 557 - Relating to compensation for firefighters required to work holidays
- Com. Sub. for S. B. 587 - Enabling State Fire Commission to propose legislative rules
- S. B. 610 - Clarifying authority of Water Development Authority in certain circumstances
- Com. Sub. for S. B. 632 - Relating to Dangerousness Assessment Advisory Board multi-disciplinary study group
- Com. Sub. for S. B. 649 - Clarifying per diem compensation for certain judges recalled to service
- S. B. 687 - Clarifying Legislative Auditor's scope of authority

- Com. Sub. for S. B. 690 - Establishing WV Agritourism Commission
- S. B. 732 - Requiring cooperation between law-enforcement agencies and military authorities
- Com. Sub. for S. B. 786 - Relating to massage therapy establishments
- Com. Sub. for S. B. 826 - Creating exemption from bond or security requirement of banking institutions holding certain funds for county commissions

HOUSE CALENDAR

Tuesday, March 5, 2024

56th 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. 152 - Displaying official US motto in public schools
- Com. Sub. for S. B. 292 - Hunger-Free Campus Act
- S. B. 461 - Relating to county economic opportunity development districts
- H. B. 4795 - Relating to permitting an academic medical center to operate an opioid treatment facility.
- H. B. 4878 - Updating the meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act
- H. B. 4881 - Relating to bringing terms not defined in that act into conformity with the meaning of those terms for federal income tax purposes
- H. B. 4957 - Relating generally to lobbying rules
- Com. Sub. for H. B. 5021 - Relating to cardiac response plans
- H. B. 5038 - Relating to research and economic development agreements for state institutions of higher education
- H. B. 5050 - Relating to authorizing legislative rules regarding higher education.
- H. B. 5263 - Relating to the Consolidated Public Retirement Board and requiring participating public employers to remit retirement contributions and fees by electronic funds transfer
- H. B. 5269 - Relating to the Municipal Police Officers and Firefighters

Retirement System

- H. B. 5270 - Relating to the Natural Resources Police Officers Retirement System
- Com. Sub. for H. B. 5351 - To amend the definition of commercial solid waste facility
- Com. Sub. for H. B. 5354 - Relating to the Grant Transparency and Accountability Act
- Com. Sub. for H. B. 5606 - Relating generally to money laundering

FIRST READING

- H. B. 4429 - Relating to excluding test strips from the definition of drug paraphernalia
- H. B. 4777 - Allow staff members in public schools to eat lunch for free if there is food left over after every student has been fed
- Com. Sub. for H. B. 4864 - To prohibit municipalities from shutting off water service for the nonpayment of stormwater management fees.
- Com. Sub. for H. B. 4909 - Relating to eliminating the certificate of need program for health services
- H. B. 5022 - Relating to increasing the amount of ephedrine, pseudoephedrine or phenylpropanolamine a person may purchase annually.
- Com. Sub. for H. B. 5067 - To remove the 2 year timeframe for medical malpractice suits to be filed ONLY for individuals who were minors when they had their procedures performed
- Com. Sub. for H. B. 5441 - Relating to raising the threshold from \$25,000 to \$50,000 for the requirement of bids for municipal public works projects.
- Com. Sub. for H. B. 5445 - Revising the statute to reduce the minimum age for a cadet for the West Virginia State Police from the age of 21 to the age of 18.
- Com. Sub. for H. B. 5536 - Relating to the assessment of interest on overpayments by the Bureau for Medical Services
- H. B. 5590 - Changing reference to the "Curator" of the Department of Arts, Culture, and History to the "Secretary" of the Department
- H. B. 5695 - Relating to Community Enhancement Districts

WEST VIRGINIA HOUSE OF DELEGATES

TUESDAY, MARCH 5, 2024

HOUSE CONVENES AT 11:00 A.M.

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

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

**COMMITTEE ON HEALTH AND HUMAN RESOURCES
9:30 A.M. – EAST WING COMMITTEE ROOM**

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

**COMMITTEE ON ENERGY AND MANUFACTURING
1:00 P.M. – FINANCE COMMITTEE ROOM**

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

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

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