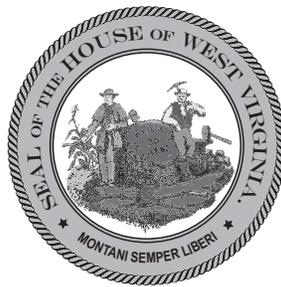


West Virginia Legislature

JOURNAL  
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Second Regular Session

Held at Charleston  
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February 2, 2024  
TWENTY-FOURTH DAY



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Friday, February 2, 2024

**TWENTY-FOURTH DAY**

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

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

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

The Clerk proceeded to read the Journal of Thursday, February 1, 2024, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 5064**, Relating to obtaining title to abandoned or junked motor vehicles abandoned on the property or place of business of an automobile dealer,

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

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 4704**, Creating Infrastructure Ready Jurisdictions,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4704** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2P-1 §5B-2P-2, and §5B-2P-3, relating to establishing Infrastructure Ready Jurisdictions; establishing the requirement for this designation; establishing rulemaking for these Infrastructure Ready Jurisdictions for the Department of Economic Development; awarding an additional five percent preferential scoring for entities on projects within these jurisdictions on all permissible grants; and providing that this is not available within an uncertified municipality even if the surrounding county or counties are certified,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 5271**, Relating to Privacy of Social Care information,

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

In accordance with the former direction of the Speaker, the bill (H. B. 5271) was referred to the Committee on the Judiciary.

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

Your Committee on Technology and Infrastructure has had under consideration:

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 5338) was referred to the Committee on Finance.

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 5083**, Create mechanism for towing companies in WV to quickly access owner information,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5083** - "A Bill to amend and reenact §17A-2A-7 of the Code of West Virginia, 1931, as amended, relating to granting West Virginia companies operating towing and recovery vehicles access to driver registration information on demand, providing Department of Motor Vehicles carry out steps needed to achieve this goal; and providing a date certain to meet this requirement,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Education has had under consideration:

**H. B. 5158**, Relating to making technical corrections to the special education code,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5158** - "A Bill to amend and reenact §18-1-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-10N-2 of said code; to amend and reenact §18-20-1 and §18-20-1a of said code; to repeal §18-20-1b of said code; to amend and reenact §18-20-

1c, §18-20-1d, §18-20-2, §18-20-3, §18-20-4, §18-20-5, §18-20-6, §18-20-7, §18-20-8, §18-20-9, §18-20-10, and §18-20-11; and to amend and reenact §18A-5-1 of said code; all relating to updating statutory provisions regarding the special education code; defining local educational agency; clarifying that districts and county boards subsumed under the local educational agency; updating definitions; updating terminology used in education of exceptional children; clarifying local educational agencies special educational programs include services outside the school environment; requiring state board's rules assuring exceptional students receive an education in accordance with state and federal laws include students in foster care and correctional facilities; clarifying services required by local educational agency that must be provided until age of majority; requiring preschool programs, special education and related services for students with disabilities or developmental delays begin services by student's 3rd birthday; clarifying preschool programs for students with disabilities or developmental delays are available to such students in mental health facilities, residential institutions, and private entities who have entered into an agreement with a local educational agency; repealing outdated code section; clarifying provisions regarding assistance, training and information to be provided to integrated classroom teachers; updating terminology for individualized education programs; clarifying minimum training for autism mentor and allowing for partial or full reimbursement of tuition for training as autism mentor; updating terminology regarding reports; requiring local educational agencies to maintain a continuum of services, including integrated classrooms and out of school environments; requiring training to integrated education and submission of annual reports; updating terminology regarding examination and reports by medical or other specialists; updating language regarding powers and duties of superintendent; updating language regarding advisory council for the education of exceptional children; updating requirements of exceptional children monitoring and accountability review teams; updating terminology regarding interagency plan for exceptional children and advisory council; updating terminology regarding gifted education caseload review; updating language regarding video cameras in self-contained classrooms; and adding language specifically prohibition against denying a student with disability from protections of federal laws,"

**H. B. 5179**, Relating to the creation of "Jaycie's Law.",

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5179** - "The West Virginia Legislature finds that parents of children throughout any age in middle or high school should be given the utmost support, because they face a unique set of challenges and circumstances on their road to graduation. School systems in West Virginia shall implement programs to provide educational support to those students with children at any age through graduation. The goal of this act is to assist these students to stay in school while providing enough time for proper medical recovery after the birth of the child. ,"

And,

**H. B. 5200**, Requiring that school counselors serving students in preschool through the 12th grade participate in the School Counselors Conference at least once every two years,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5200** - "A Bill to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended, relating generally to required training for school counselors; requiring that school counselors serving students in grades PK through 12 participate in School Counselors Conference at least once every two years; setting forth required components of School Counselors Conference; requiring Conference participants receive certain credentials, graduate

credit and continuing education credit; and requiring that school counselors serving students in grades 7 through 12 participate in training regarding building and trades and apprenticeship programs and setting forth the administration therefore,"

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Education has had under consideration:

**H. B. 5078**, To include Salem University in programs wherein the Promise Scholarship is accepted,

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

In accordance with the former direction of the Speaker, the bill (H. B. 5078) was referred to the Committee on Finance.

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

Your Committee on Education has had under consideration:

**H. B. 4305**, Relating to granting in-state resident status to economic development participants,

**H. B. 5029**, To create a tuition reimbursement program for Corrections employees,

And,

**H. B. 5289**, To allow for the implementation of Plasma Games in West Virginia public schools,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bills (H. B. 4305, H. B. 5029 and H. B. 5289) were each referred to the Committee on Finance.

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

Your Committee on Education has had under consideration:

**H. B. 4863**, Patriotic Access to Students in Schools Act,

**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. 5056**, Relating to substitute service personnel positions,

**H. B. 5153**, Relating to revising, updating and streamlining the requirements governing the West Virginia Science, Technology, Engineering, and Mathematics Scholarship,

And,

**H. B. 5252**, Requiring certain minimum experience for the director or coordinator of services class title involving school transportation,

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

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

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

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 5295) was referred to the Committee on Government Organization.

Delegate Summers, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 4933**, Relating to Medicaid dental coverage,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4933** - "A Bill to amend and reenact §9-5-12a of the Code of West Virginia, 1931, as amended, relating to Medicaid dental coverage; providing that purchases of dentures do not count against the \$1,000 yearly limit on coverage; and removing expired internal effective date,"

And,

**H. B. 5248**, Relating to the regulation of behavioral health centers,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5248** - "A Bill to amend the Code of West Virginia, 1931, by adding thereto a new article, designated §16B-22-1, §16B-22-2, §16B-22-3, §16B-22-4, §16B-22-5, §16B-22-6, §16B-22-7, §16B-22-8, §16B-22-9, §16B-22-10 and §16B-22-11; and to repeal §27-9-1 and §27-9-2 of said code; and to repeal §27-17-1, §27-17-2, §27-17-3, and §27-17-4 of said code, all relating to the regulation of behavioral health centers; providing definitions; creating licenses for residential behavioral health centers and non-residential behavioral health centers; setting license fees for residential behavioral health centers and non-residential behavioral health centers; providing for the regulation and oversight of all behavioral health centers by the Office of

Health Facility Licensure and Certification; designating the necessity for a governing body and administrator and prescribing duties and responsibilities; setting certain minimum standards in any behavioral health center; setting certain minimum standards for behavioral health centers; restricting the location of specific treatment settings for behavioral health centers; allowing for variances or waivers from licensure standards; providing for inspections and inspection warrants; designating license limitations; providing a procedure for denial, suspension, or revocation of a license; allowing civil money penalties; providing for administrative review and appeal rights; and permitting the Inspector General to promulgate rules, including emergency rules,"

With the recommendation that the committee substitutes each do pass.

Delegate Summers, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 5054**, Relating to the licensure of birthing centers,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5054** - "A Bill to amend and reenact §16B-20-1, §16B-20-2, §16B-20-3, §16B-20-4, and §16B-20-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto four new sections, designated §16B-20-6, §16B-20-7, §16B-20-8 and §16B-20-9, all relating to the licensure of birthing centers; defining terms; creating license types for birthing centers; updating the procedure for application for and obtaining a license; updating license fees; providing for regulation by the Office of Health Facility Licensure and Certification; setting certain minimum standards in a birthing center; setting certain minimum required services; prohibiting certain prohibited services in a birthing center; restricting the location of birthing centers; allowing for variances and waivers from licensure standards; providing for inspections and inspection warrants; designating license limitations; providing procedure for denial, suspension, or revocation of a license; allowing civil money penalties; providing for administrative review and appeal rights; and permitting the Inspector General to promulgate rules, including emergency rules,"

With the recommendation that the committee substitute do pass, and with the recommendation that second reference to the Committee on Government Organization be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for H. B. 5054) to the Committee on Government Organization was abrogated.

Delegate Summers, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 5343**, Relating to adding an athletic trainer to the Board of Physical Therapy,

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

In accordance with the former direction of the Speaker, the bill (H. B. 5343) was referred to the Committee on Government Organization.

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

Your Committee on Energy and Manufacturing has had under consideration:

**H. B. 5223**, To create the Southern Coalfield Resiliency and Revitalization Program,

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

In accordance with the former direction of the Speaker, the bill (H. B. 5223) was referred to the Committee on Government Organization.

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

Your Committee on Energy and Manufacturing has had under consideration:

**H. B. 5076**, Relating to Well Plugging Authority,

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

In accordance with the former direction of the Speaker, the bill (H. B. 5076) was referred to the Committee on the Judiciary.

Delegate Mallow, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

**H. B. 4868**, To reduce the certification period for certain emergency medical personnel from 4 years to 2 years,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4868) was referred to the Committee on the Judiciary.

Delegate Mallow, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

**H. B. 5128**, Directing transfer of moneys into fire protection funds at the end of each year,

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

In accordance with the former direction of the Speaker, the bill (H. B. 5128) was referred to the Committee on Finance.

Delegate Kelly, Chair of the Committee on Jails and Prisons, submitted the following report, which was received:

Your Committee on Jails and Prisons has had under consideration:

**H. B. 4734**, To provide a pay increase to state correctional workers in West Virginia,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4734) was referred to the Committee on Finance.

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

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

**H. B. 5294**, Revising state law regulating farm wineries,

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

In accordance with the former direction of the Speaker, the bill (H. B. 5294) was referred to the Committee on Government Organization.

Delegate Mazzocchi, Chair of the Committee on Senior, Children, and Family Issues, submitted the following report, which was received:

Your Committee on Senior, Children, and Family Issues has had under consideration:

**H. B. 5051**, Provide a tax credit to for-profit and nonprofit corporations to encourage the continued operation of child-care facilities for the benefit of their employees,

**H. B. 5052**, Increase the tax credit for employers providing child care for employees,

And,

**H. B. 5293**, Relating to establishing a pilot program to develop a childcare program where the state, employer, and employee, contribute one-third of the total cost each,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bills (H. B. 5051, H. B. 5052 and H. B. 5293) were each referred to the Committee on Finance.

Delegate Mazzocchi, Chair of the Committee on Senior, Children, and Family Issues, submitted the following report, which was received:

Your Committee on Senior, Children, and Family Issues has had under consideration:

**H. B. 4798**, Informing caretaker of his or her rights at the initial point of contact during a child protective investigation,

**H. B. 5062**, Relating to permit a guardian ad litem to request the assistance of a court appointed special advocate,

**H. B. 5063**, Modifying the time to terminate a foster care arrangement,

And,

**H. B. 5151**, Relating to defining term fictive kin,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 4798, H. B. 5062, H. B. 5063 and H. B. 5151) were each referred to the Committee on the Judiciary.

Delegate Kelly, Chair of the Committee on Jails and Prisons, submitted the following report, which was received:

Your Committee on Jails and Prisons has had under consideration:

**H. B. 4297**, Law Enforcement Officers Safety Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4297) was referred to the Committee on the Judiciary.

Mr. Speaker (Mr. Hanshaw), Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

**H. C. R. 64**, Acknowledging and supporting the State of Texas,

And reports the same back with the recommendation that it be adopted.

At the request of Delegate Hott, and by unanimous consent, the resolution (H. C. R. 64) was taken up for immediate consideration.

The resolution was read by the Clerk.

An amendment offered by Delegate Pushkin was reported by the Clerk on page 3, at the end of line 23, by inserting the following clause:

"Further resolved, That we call upon the United States Congress to pass bi-partisan legislation currently pending before it that will close our borders and put in place meaningful immigration reforms; and be it".

On motion of Delegates Gearheart and Riley, the amendment was amended, by striking the following: "currently pending before it".

Delegate Fluharty arose to a point of order regarding the content of the remarks of Delegate Ridenour, which point the Speaker sustained related to the amendment.

On the adoption of the amendment, as amended, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 78**), and there were—yeas 12, nays 81, absent and not voting 7, with the yeas and the absent and not voting being as follows:

Yeas: Fluharty, Griffith, Hamilton, Hansen, Hornbuckle, Kump, Lewis, Petitto, Pushkin, Rowe, Williams and Young.

Absent and Not Voting: Ellington, Espinosa, Garcia, Hardy, Householder, Sheedy and Warner.

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

On the question of the adoption of the resolution, the yeas and nays were demanded, which demand was sustained. The yeas and nays having been ordered, they were taken (**Roll No. 79**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, Espinosa, Garcia, Hardy, Householder and Sheedy.

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

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

### **Messages from the Senate**

A message from the Senate, by

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

**Com. Sub. for S. B. 320** - "A Bill to amend and reenact §60-4-3b of the Code of West Virginia, 1931, as amended; to amend and reenact §60-6-1 of said code; and to amend and reenact §60-8-2 and §60-8-3 of said code; all relating to wine generally; providing that persons or entities with a winery or farm winery license, that hold a private wine restaurant and a multi-capacity winery or farm winery license are not subject to the food service requirements to operate; allowing wineries and farm wineries and out of state unlicensed wineries to sell and serve samples, wine by the

glass, and by the bottle at private fairs and festivals, one day non-profit events, and on their premises; removing requirement that wine samples be complimentary; allowing a winery or farm winery to have simultaneous licenses; and allowing wineries and farm wineries to sell wine by the glass or bottle for on-premises consumption on the property of the winery or farm winery"; which was referred to the Committee on Government Organization.

### **Resolutions Introduced**

Resolutions were introduced and severally referred as follows:

**By Delegates Howell, Adkins, Akers, Anderson, Bridges, Burkhammer, Butler, Campbell, Cannon, Chiarelli, T Clark, W. Clark, Cooper, Coop-Gonzalez, Criss, Crouse, Dean, DeVault, Dittman, Espinosa, Fast, Fehrenbacher, Ferrell, Fluharty, Foggin, Foster, Garcia, Griffith, W. Hall, Hansen, Hanshaw (Mr. Speaker), Heckert, Hillenbrand, Hite, Holstein, Hornby, Hott, Householder, Jeffries, Kelly, Lewis, Linville, Longanacre, Lucas, Mallow, Martin, Mazzocchi, Miller, Petitto, Pinson, C. Pritt, E. Pritt, Ridenour, Riley, Rohrbach, Ross, Rowe, Shamblin, Sheedy, Smith, Statler, Steele, Stephens, Summers, Thorne, Toney, Ward, Warner, Williams, Willis, Winzenreid, Young and Zatezalo:**

**H. R. 9** - "Resolution reaffirming the longstanding sisterhood partnership between West Virginia and Taiwan"; to the Committee on Rules.

And,

**By Delegates Kimble, Hanshaw (Mr. Speaker), Mazzocchi, Thorne, Brooks, Horst, Forsht, Hillenbrand, Hott, Sheedy, Willis, Smith, Adkins, Akers, Anderson, Barnhart, Butler, Chiarelli, Cooper, Coop-Gonzalez, Criss, Crouse, DeVault, Dittman, Espinosa, Fast, Fehrenbacher, Ferrell, Foggin, Foster, Gearheart, W. Hall, Heckert, Hite, Hornby, Householder, Howell, Jennings, Kelly, Longanacre, Mallow, Marple, McGeehan, Miller, Moore, Nestor, Petitto, Ridenour, Riley, Stephens, Street, Ward, Warner, Winzenreid, Worrell and Zatezalo:**

**H. C. R. 68** - "Requesting the Division of Highways name Bridge Number: 11-047/00-004.96 (11A128), (39.04623, -80.83061) locally known as COXCAMP CONCRETE BOX BM, carrying WV 47 over COXCAMP FORK in Gilmer County, the 'U. S. Army Air Force, Major (Ret.) Willis "Scottie" Adams Memorial Bridge"; to the Committee on Technology and Infrastructure then Rules.

### **Bills Introduced**

On motions for leave, bills were introduced and severally referred as follows:

**By Delegate Barnhart:**

**H. B. 5419** - "A Bill to amend and reenact §31-17-1, §31-17-3, and §31-17-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §31-17-4a, to amend and reenact §31-17-6, §31-17-7, and §31-17-11 of said code, and to amend said code by adding thereto a new section, designated §31-17A-9a, all relating to the licensure and regulation of mortgage brokers, lenders, and loan originators; updating definitions; eliminating outdated provisions; authorizing emergency rulemaking; permitting the Commissioner of Financial Institutions to participate in the multistate licensing and examination process; updating net worth requirements to use generally accepted accounting principles; providing information requirements for a change in control and updating the change in control

process; specifying requirements for individuals in control of a licensee or applicant; confirming confidentiality of examination and licensee information but allowing release of aggregate data; permitting loan originators to conduct work at their residence if certain requirements are met; and making technical corrections"; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Barnhart:**

**H. B. 5420** - "A Bill to amend and reenact §5-22-1 and §8-16-5 of the Code of West Virginia, 1931, as amended, relating to raising the threshold from \$25,000 to \$50,000 for the requirement of bids for government construction contracts and municipal public works projects"; to the Committee on Government Organization.

**By Delegates Barnhart and Jeffries:**

**H. B. 5421** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §15-2-57, relating to creating a West Virginia K9 Search and Rescue Advisory Committee"; to the Committee on Government Organization.

**By Delegates Steele and Hanshaw (Mr. Speaker):**

**H. B. 5422** - "A Bill to amend and reenact §24-2F-8 of the Code of West Virginia, 1931, as amended, relating to commercial net metering standards; modifying definition of 'cross-subsidization'; requiring Public Service Commission to adopt rule mandating electric utilities to provide full retail credit to customer-generators for electricity delivered to utility under net metering arrangement; and requiring commission to consider increasing allowed kilowatt capacity for commercial customer-generators"; to the Committee on Energy and Manufacturing then the Judiciary.

**By Delegates Heckert, Foggin, Criss, Hornby, Householder, Mazzocchi, Fehrenbacher, Anderson and Akers:**

**H. B. 5423** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §57-5-1a; and to amend and reenact §61-8B-5 of said code, all relating to prohibiting a cognitively impaired or mentally defective person from being forced to testify in open court, and increasing the penalty for sexual assault of a mentally defective or mentally incapacitated person"; to the Committee on the Judiciary.

**By Delegates Espinosa, Summers, Gearheart, Tully, Hite, Fehrenbacher, Foster, Linville, Martin and Crouse:**

**H. B. 5424** - "A Bill to amend and reenact §21A-1A-28 of the Code of West Virginia, 1931, as amended; to amend and reenact §21A-2D-2 and §21A-2D-3 of said code; to amend said code by adding thereto a new section, designated §21A-2D-2a; to amend said code by adding thereto a new article, designated §21A-3-1, §21A-3-2, and §21A-3-3; to amend and reenact §21A-6-1 and §21A-6-10 of said code; and to amend said code by adding thereto a new section, designated §21A-6-1d, all relating to eligibility for and amount of unemployment benefits; modifying methodology for calculating maximum benefit rate; modifying benefit table consistent with adoption of indexing; requiring Workforce West Virginia Commissioner take certain actions to verify unemployment insurance claim program integrity; requiring commissioner to review suspicious or potentially improper claims under certain circumstances; defining 'state average unemployment rate'; limiting the maximum duration of unemployment benefits based on the state average unemployment rate; requiring Workforce West Virginia to promulgate legislative rules; establishing an internal effective date; reducing maximum benefit for each wage class; requiring work search activities to qualify for unemployment benefits; defining what constitutes work search activities; mandating submittal of proof of work search activities; providing for verification of work search activities; granting commissioner of Workforce West Virginia discretion in verification of

work search activities; mandating establishment of process to refer individuals seeking unemployment benefits to job opportunities; requiring individuals receiving referrals to suitable work to apply for and accept that work; mandating employers to report refusal of offer of employment to commissioner; allowing individuals who accept part-time non-suitable employment to receive unemployment benefits without reduction for wages under certain circumstances; making certain individuals applying for or receiving unemployment benefits exempt from work search requirements; establishing process for notification of work search activity requirements; requiring rulemaking; and setting an internal effective date"; to the Committee on Finance.

**By Delegate Mazzocchi:**

**H. B. 5425** - "A Bill to amend and reenact §18A-4-7a of the Code of West Virginia, 1931, as amended, relating to permitting the granting waivers of experience required in employment of professional education personnel"; to the Committee on Education.

**By Delegate Worrell:**

**H. B. 5426** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1A-7, relating to updating laws to protect home-based business and remote work"; to the Committee on Workforce Development then Economic Development and Tourism.

**By Delegate Worrell:**

**H. B. 5427** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21A-6-1d, all relating to unemployment eligibility; establishing the short title of 'Promoting a Return to Work Act of 2024'; establishing a purpose; providing weekly search requirements; establishing acceptable work search activities; and setting an effective date"; to the Committee on Workforce Development then Government Organization.

**By Delegates Campbell, E. Pritt and Gearheart:**

**H. B. 5428** - "A Bill to amend and reenact §17-16A-6 of the Code of West Virginia, 1931, as amended, relating to exempting school buses with students on board from paying turnpike tolls"; to the Committee on Education then Finance.

**By Delegates Dillon and Vance:**

**H. B. 5429** - "A Bill to amend and reenact §24-1-1 of the Code of West Virginia, 1931, as amended, relating to the authority of the Public Service Commission; requests for rate adjustments from public electric utilities; limiting the jurisdiction of the Public Service Commission to holding hearings on rate adjustment requests by public electrical utilities and to making recommendations to the Legislature; and requiring that electric utility rate adjustments be approved by the Legislature"; to the Committee on Technology and Infrastructure then Government Organization.

**By Delegates Kelly, Phillips, Hornby, Jeffries, Kimble, Hott, Holstein and Pinson:**

**H. B. 5430** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-3-20, relating to per diem compensation and expenses of newly elected or appointed judicial officers receiving education and training prior to taking the oath of office"; to the Committee on the Judiciary.

**By Delegates E. Pritt, Brooks, Hornby, Thorne and Dean:**

**H. B. 5431** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-52, relating to permitting county boards of education to send a parent or legal guardian of a student who is deemed 'chronically disruptive' the pro-rated amount

of that student's education and to remove the student from the school system for a year to continue their education through homeschool or another approved alternative educational pathway"; to the Committee on Education then Finance.

**By Delegate Linville:**

**H. B. 5432** - "A Bill to amend and reenact §5A-6-1, §5A-6-3, and §5A-6-4 of the Code of West Virginia, 1931, as amended; and to repeal §5A-7-1, §5A-7-2, §5A-7-3, §5A-7-4, §5A-7-4a, §5A-7-5, §5A-7-6, §5A-7-7, §5A-7-8, §5A-7-9, §5A-7-10, and §5A-7-11 of said code, all relating to combining Information Services and Communications Division with the West Virginia Office of Technology; transferring funds from the Information Systems and Communications Division to the Office of Technology; closing funds and transferring unexpended balances; authorizing the CIO to conduct requisition reviews; authorizing the CIO to collect a fee for services provided to other public bodies; authorizing the CIO to provide guidance and technology to support electronic data retention; and requiring the CIO to provide mail service for state spending units"; to the Committee on Technology and Infrastructure then Finance.

**By Delegate Horst:**

**H. B. 5433** - "A Bill to amend and reenact §30-6-8 and §30-6-9 of the Code of West Virginia, 1931, as amended, relating to modifying the education and apprenticeship requirements to obtain a license for funeral directors and embalmers"; to the Committee on Government Organization.

**By Delegates Williams, Hansen, Hamilton, Garcia, Hite, Statler, Householder, Espinosa, Warner, Chiarelli and Hornby:**

**H. B. 5434** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-4c, relating to authorizing the West Virginia Commissioner of Highways to offer locality pay to Division of Highways employees working in certain jurisdictions"; to the Committee on Technology and Infrastructure then Finance.

**By Delegates Rohrbach, Ellington, Worrell, Criss, Statler, Maynor, Green, Moore, T Clark, Winzenreid and Campbell:**

**H. B. 5435** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-3D-7, establishing the registered apprenticeship to associate of applied science program to be administered by the Council for Community and Technical College Education; to the Committee on Education then Finance.

## **Special Calendar**

### **Third Reading**

**H. B. 4292**, Providing for enhanced damages for non-payment of royalties due from oil, natural gas, or natural gas liquids production; on third reading, coming up in regular order, was read a third time.

Delegates Criss, Fast, Heckert, Kelly, Martin, Moore, Pinson, Riley and Tully requested to be excused from voting under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 80**), and there were—yeas 87, nays 6, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Ferrell, Foster, Gearheart, Holstein, Ridenour and Vance.

Absent and Not Voting: Ellington, Espinosa, Garcia, Hardy, Hite, Householder and Sheedy.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4292) passed.

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

**Com. Sub. for H. B. 4965**, Mandating restitution to children of victims of negligent homicide or driving under the influence causing death; 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. 81**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, Espinosa, Garcia, Hardy, Householder, Sheedy and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4965) passed.

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

**H. B. 4998**, Modifying penalties for third offense shoplifting; 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. 82**), and there were—yeas 86, nays 8, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Coop-Gonzalez, Dillon, Gearheart, Longanacre, Martin, Thorne and Vance.

Absent and Not Voting: Ellington, Espinosa, Garcia, Hardy, Householder and Sheedy.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4998) passed.

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

**H. B. 4998** – “A Bill to amend and reenact §61-3A-3 of the Code of West Virginia, 1931, as amended, relating to modifying the penalties for third offense conviction of shoplifting; relating to a court ordered substance abuse disorder evaluation upon specific findings of fact by the trial court, after conviction pursuant to this section, and as part of the presentence investigation

process; and relating to requiring a defendant that has been determined to have substance abuse disorder to undergo treatment for the substance use disorder.”

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

### **Deputy Speaker Rohrbach in the Chair**

**H. B. 5014**, Supplementing and amending appropriations to West Virginia University General Administration Fund; on third reading, coming up in regular order, was read a third time.

### **Speaker Hanshaw in the Chair**

On the passage of the bill, the yeas and nays were taken (**Roll No. 83**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, Espinosa, Garcia, Hardy, Householder, Ross and Sheedy.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 5014) passed.

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

On this question, the yeas and nays were taken (**Roll No. 84**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, Espinosa, Garcia, Hardy, Householder, Ross and Sheedy.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 5014) takes effect from its passage.

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

**Com. Sub. for H. B. 5016**, Allow women to work on inmate road crews; 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. 85**), and there were—yeas 91, nays 1, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: E. Pritt.

Absent and Not Voting: Ellington, Espinosa, Garcia, Hardy, Householder, Lucas, Ross and Sheedy.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5016) passed.

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

**H. B. 5096**, Change the requirement for posting public notices at the state and federal level for PSDs; 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. 86**), and there were—yeas 90, nays 1, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Ferrell.

Absent and Not Voting: Ellington, Espinosa, Fehrenbacher, Garcia, Hardy, Householder, Ross, Rowe and Sheedy.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5096) passed.

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

**H. B. 5117**, Relating generally to waiver of initial licensing fees for certain individuals; 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. 87**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, Espinosa, Garcia, Hardy, Householder, Ross and Sheedy.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5117) passed.

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

**Com. Sub. for H. B. 5157**, Relating to contingent increase of tax rate on certain eligible acute care hospitals; 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. 88**), and there were—yeas 83, nays 9, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Coop-Gonzalez, Dean, Dillon, Foster, Kump, Longanacre, Ridenour, Steele and Ward.

Absent and Not Voting: Ellington, Espinosa, Garcia, Hardy, Householder, Ross, Sheedy and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5157) passed.

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

On this question, the yeas and nays were taken (**Roll No. 89**), and there were—yeas 85, nays 5, absent and not voting 10, with the nays and the absent and not voting being as follows:

Nays: Dillon, Kump, Longanacre, Steele and Ward.

Absent and Not Voting: Bridges, Ellington, Espinosa, Foggin, Garcia, Hardy, Householder, Ross, Sheedy and Young.

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. 5157) takes effect from its passage.

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

### **Second Reading**

**Com. Sub. for S. B. 31**, Authorizing Department of Human Services to promulgate legislative rules; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for S. B. 300**, Relating to organization of Office of Inspector General; 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 Summers, the bill was amended on page 8, by inserting the following:

## **"CHAPTER 5F. REORGANIZATION OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.**

### **ARTICLE 2. TRANSFER OF AGENCIES AND BOARDS.**

#### **§5F-2-1a. Termination of the department of health and human resources; transfer and incorporation of agencies and boards legislative intent; creation of new departments.**

(a) It is the intent of the Legislature to devolve the functions of the Department of Health and Human Resources into three new and separate departments of the executive branch as provided in this Act over a period of transition that concludes with the termination of the Department of Health and Human Resources. It is the intent of the Legislature that the provisions of this Act be construed to achieve the restructuring and reallocation of the powers, duties and functions of the Department of Health and Human Resources to the three new departments created in this section in an orderly manner designed to maintain the delivery of services that have heretofore been provided by the Department of Health and Human Resources by the new departments during the transition and beyond the termination of the Department of Health and Human Resources without disruption and to streamline and, where possible, to share administrative and operative expenses where common to each of the new departments. To that end, the Secretary of the Department of

Health and Human Resources, the Secretary of the Department of Human Services, the Secretary of the Department of Health and the Secretary of the Department of Health Facilities shall enter into a memorandum of understanding to effect the provisions of this Act that shall, at a minimum, create a Office of Shared Administration mutually administered by the secretaries that shall coordinate efforts with the Department of Administration to maximize efficiencies and function of services in an effort to contain expenses within the Department of Human Services, the Department of Health and the Department of Health Facilities. The Office of Shared Administration shall implement a plan to maximize function and efficiency administrative services for the purpose of streamlining administrative services and reducing expenses within the departments. The Office of Shared Administration shall complete implementation by June 30, 2024, and shall provide quarterly updates to the Legislative Oversight Commission on Health and Human Resources Accountability.

(b) ~~(4)~~ The Department of Human Services created under §5F-1-2 of this code ~~beginning January 1, 2024,~~ is a separate and distinct department of the executive branch. ~~Beginning January 1, 2024,~~ The following agencies and boards, including all of the allied, advisory, affiliated, or related entities and funds associated with any agency or board, are transferred to, incorporated in and administered as a part of the Department of Human Services:

~~(A)~~ (1) Bureau for Social Services;

~~(B)~~ (2) Bureau for Medical Services;

~~(C)~~ (3) Bureau for Child Support Enforcement;

~~(D)~~ (4) Bureau for Family Assistance;

~~(E)~~ (5) Bureau for Behavioral Health; and

~~(F)~~ (6) Any other agency or entity hereinafter established within the Department of Human Services by an act of the Legislature.

~~(2) Beginning January 1, 2024, when, as used in this code, it appears from the context of the terms "Department of Health and Human Resources" or "department" in lieu thereof that the term refers to the entity exercising the powers or duties of the entities specified in subdivision (1) of this subsection, those terms shall mean the Department of Human Services.~~

(c) (1) The Department of Health created under §5F-1-2 of this code ~~beginning January 1, 2024,~~ is a separate and distinct department of the executive branch. ~~Beginning January 1, 2024,~~ The following agencies and boards, including all of the allied, advisory, affiliated, or related entities and funds associated with any agency or board, are transferred to, incorporated in and administered as a part of the Department of Health:

(A) Bureau for Public Health;

(B) Office of Emergency Medical Services;

(C) Office of the Chief Medical Examiner;

(D) Center for Threat Preparedness;

(E) Health Care Authority; and

~~(F) Office of the Inspector General, which shall include:~~

~~(i) Office of Health Facility Licensure and Certification;~~

~~(ii) Board of Review;~~

~~(iii) Foster Care Ombudsman;~~

~~(iv) Olmstead Office;~~

~~(v) Investigations and Fraud Management;~~

~~(vi) Quality Control;~~

~~(vii) Mental Health Ombudsman;~~

~~(viii) WV Clearance for Access: Registry and Employment Screening; and~~

~~(ix) Human Rights Commission; and~~

(F) Any other agency or entity hereinafter established within the Department of Health by an act of the Legislature.

(2) The Office of the Inspector General is a separate and autonomous agency within the Department of Health as provided in §16B-2-1. The following agencies and boards, including all of the allied, advisory, affiliated, or related entities and funds associated with any agency or board, are transferred to, incorporated in and administered as a part of the Office of the Inspector General. The Office of the Inspector General, shall include:

(A) Office of Health Facility Licensure and Certification;

(B) Board of Review;

(C) Foster Care Ombudsman;

(D) Olmstead Office;

(E) Investigations and Fraud Management;

(F) Quality Control;

(G) Mental Health Ombudsman;

(H) WV Clearance for Access: Registry and Employment Screening; and

(I) Human Rights Commission.

~~Beginning January 1, 2024, when, as used in this code, it appears from the context of the terms "Department of Health and Human Resources" or "department" in lieu thereof that the term~~

~~refers to the entity exercising the powers or duties of the entities specified in subdivision (1) of this subsection, those terms shall mean the Department of Health.~~

(d) ~~(4)~~ The Department of Health Facilities created under §5F-1-2 of this code ~~beginning January 1, 2024,~~ is a separate and distinct department of the executive branch. ~~Beginning January 1, 2024,~~ The following state facilities, including all of the allied, advisory, affiliated, or related entities and funds associated with any state facility, are transferred to, incorporated in and administered as a part of the Department of Health Facilities:

~~(A) (1)~~ Hopemont Hospital;

~~(B) (2)~~ Jackie Withrow Hospital;

~~(C) (3)~~ John Manchin, Sr. Health Care Center;

~~(D) (4)~~ Lakin Hospital;

~~(E) (5)~~ Mildred Mitchell-Bateman Hospital;

~~(F) (6)~~ Welch Community Hospital;

~~(G) (7)~~ William R. Sharpe Jr. Hospital; and

~~(H) (8)~~ Any other agency or entity hereinafter established within the Department of Health Facilities by an act of the Legislature.

~~(2) Beginning January 1, 2024, when, as used in this code, it appears from the context of the terms "Department of Health and Human Resources" or "department" in lieu thereof that the term refers to the entity exercising the powers or duties of the entities specified in subdivision (1) of this subsection, those terms shall mean the Department of Health Facilities.~~

~~(3) Notwithstanding any other provision of this code to the contrary, before December 1, 2023, the Department of Health and Human Resources shall create and present to the Legislative Oversight Commission on Health and Human Resources Accountability a long-term sustainability plan for each state health facility.~~

(e) Any secretary may recommend that a bureau, office, board, commission or other state entity be included or excluded from the organization of the departments created in this section to the Joint Committee on Government and Finance and the Legislative Commission on Health and Human Resources Accountability.

~~(f) Except for powers, authority, and duties that have been delegated to the secretaries of the departments created under this section and §5F-2-2 of this code, the position of administrator and the powers, authority, and duties of each administrator and agency are not affected by this act.~~

~~(g) Except for powers, authority, and duties that have been delegated to the secretaries of the departments under this section and §5F-2-2 of this code, the existence, powers, authority, and duties of boards, commissions and councils and the membership, terms, and qualifications of members of the boards, commissions and councils are not affected by this act. All boards, commissions and councils that are appellate bodies or are independent decision makers may not have their appellate or independent decision-making status affected by this act.~~

~~(h) Nothing in this section extends the powers of department secretaries to any person other than a department secretary and nothing limits or abridges the statutory powers and duties of statutory commissioners or officers pursuant to this code.~~

(+) (f) All programs, orders, determinations, rules, permits, grants, contracts, certificates, bonds, authorizations and privileges which have been issued, promulgated, made, granted or allowed to become pursuant to authority provided by this code to the Department of Health and Human Resources or the Secretary of that Department that are in effect on the dates of the creation of the new departments as provided in this section shall continue in effect according to their terms until modified, terminated, superseded, set aside or revoked by the department or secretary that assumes authority over the subject matter of the same under the provisions of this Act.";

And,

On page 27, line 10, after the word, "Governor," by inserting the words, "within 90 days of a vacancy,";

And,

On page 28, line 28, by striking the words, "not to exceed \$175,000." and inserting in lieu thereof the words, "as provided in the budget.";

And,

On page 29, line 41, after the word, "Unit" by inserting the words, "within the Office of the Attorney General";

And,

On page 31, line, 114, after the word, "Governor," by inserting the words, "within 90 days of a vacancy,";

And,

On page 31, line, 118, after the word, "Governor," by inserting the words, "within 90 days of a vacancy,";

And,

On page 32, line, 120, by inserting a new subsection (w), to read as follows:

"(w) The Inspector General, the Director of The Office of Health Facility Licensure and Certification and the Director of the Investigations and Fraud Management may not be the same person.";

And,

On page 32, by striking §16B-2-2 in its entirety and inserting in lieu thereof a new §16B-2-2 to read as follows:

**§16B-2-2. Board of Review- judicial review of decisions of contested cases.**

(a) The Board of Review shall provide a fair, impartial, and expeditious grievance and appeal process to applicants or recipients of assistance as defined in §9-1-2 et seq. of this code and to all parties of contested cases arising under §29A-5-1 et seq..

(b) The Bureau of Medical Services shall provide a fair, impartial, and expeditious grievance and appeal process to providers of Medicaid services.

(c) Any party adversely affected or aggrieved by a final decision or order of the board or the bureau may seek judicial review of that decision by filing an appeal to the Intermediate Court of Appeals as provided in §29A-5-4 et seq. of this code.

(d) The process established by this section is the exclusive remedy for judicial review of final decisions of the Board of Review and the Bureau for Medical Services."

And,

On page 32, by striking §16B-2-3 in its entirety and inserting in lieu thereof a new §16B-2-3 to read as follows:

**"§16B-2-3. Board of Review; subpoena powers.**

(a) The Inspector General and the Chair of the Board of Review may subpoena witnesses, papers, records, documents and any other information or data it considers necessary for its determination. They shall issue all subpoenas and subpoenas duces tecum in the name of the appropriate entity.

(b) Requests for subpoenas and subpoenas duces tecum shall be in writing and shall contain a statement acknowledging that the requesting party agrees to pay all fees for the attendance and travel of witnesses.

(c) A subpoena or subpoena duces tecum issued at the request of an entity shall be served by the party at least five days before the return date, either by personal service by a person over 18 years of age or by registered or certified mail, return receipt requested. If service is by mail, the five-day notice period shall not begin until the date the person or entity receives the subpoena or subpoena duces tecum.

(d) Fees for the attendance of witnesses are the same as for witnesses before the circuit court of this State and shall be paid by the party requesting the issuance of the subpoena or subpoena duces tecum.

(e) In any case of disobedience or neglect of any subpoena or subpoena duces tecum, or any refusal of a witness to testify to any matter regarding which he or she may be lawfully interrogated, the issuing entity may apply to the Circuit Court of Kanawha County, and the court shall compel obedience through the same manner as a subpoena or subpoena duces tecum is enforced in Kanawha County Circuit Court."

And,

On page 297, section 6, line 2, by striking, "Department of Human Services" and inserting in lieu thereof, "Department of Health Facilities"

And,

On page 297, section 6, lines 20-21, by striking, "Department of Health and Human Resources" and inserting in lieu thereof, "Department of Health Facilities";

And,

On page 298, by striking the section heading for, §27-9-1, and inserting a new section heading to read as follows: "§27-9-1. License; regulations.";

And,

On page 300, section 3, line 10, by striking the word, "secretary" and inserting the words, "Inspector General".

The bill was then ordered to third reading.

**Com. Sub. for H. B. 4867**, Require pornography websites to utilize age verification methods to prevent minors from accessing content; on second reading, coming up in regular order, was reported by the Clerk.

Delegate Hott asked and obtained unanimous consent that the bill (Com. Sub. for H. B. 4867) be committed to the Committee on Technology and Infrastructure.

The bill was then committed to the Committee on Technology and Infrastructure.

**Com. Sub. for H. B. 4940**, A squatter cannot be considered a tenant in WV; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 5006**, Relating to the administration of the A. James Manchin Rehabilitation Environmental Action Plan; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 5018**, To provide for oversight and authority governing community air monitoring programs; on second reading, coming up in regular order, was read a second time.

Delegate Rowe moved to amend the bill on page 2, section 21, on lines 15-21, by striking out subsections (c) and (d) in their entirety, and on lines 28 through 33, by striking out subsection (g) in its entirety and re-lettering the remaining subsections of the section accordingly.

#### **Deputy Speaker Rohrbach in the Chair**

Delegate Foster moved to table the amendment.

#### **Speaker Hanshaw in the Chair**

The motion to table the amendment having been put, it was adopted, and the amendment was laid upon the table.

**H. B. 5019**, Relating to surrender and return of license not required for disqualifying or downgrading a driver's license; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 5045**, Related to the administration of the West Virginia Water Pollution Control Act, and Underground Carbon Dioxide Sequestration and Storage; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 5127**, Including Potomac State College in the definition of community and technical college education program for participation in the "Learn and Earn Program"; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 5310**, Remote Patient Outcome Improvement Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

### **First Reading**

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

**H. J. R. 21**, Amending the Constitution to prohibit persons not United States citizens from voting in any election held within this state,

**Com. Sub. for H. B. 4851**, To allow for public and private schools in West Virginia to employ security personnel,

**Com. Sub. for H. B. 5084**, Require retailers to verify identification and age upon purchase of vape products,

**Com. Sub. for H. B. 5091**, West Virginia Critical Infrastructure Protection Act,

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

**H. B. 5257**, Relating generally to allowing the Supreme Court of Appeals discretion to create uniform pay scales for all levels of judicial support staff,

And,

**H. B. 5348**, Changing the name of the "Raleigh County Recreation Authority" to the "Raleigh County Parks and Recreation Authority".

### **Leaves of Absence**

At the request of Delegate Hott, and by unanimous consent, leaves of absence for the day were granted Delegates Ellington, Espinosa, Garcia, Hardy, Householder, Ross and Sheedy.

### **Messages from the Senate**

A message from the Senate, by

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

**H. B. 5332**, Excepting persons previously commissioned as a notary public from requirement to have a high school diploma or its equivalent in order to be recommissioned as a notary public.

### **Miscellaneous Business**

Prior to adoption of H. C. R. 64, Delegates Pinson, Howell, W. Clark, Hornbuckle and Fluharty asked and obtained unanimous consent to be added as a cosponsor.

Delegate Espinosa, who was absent on the passage votes for H. B. 4292, Com. Sub. for H. B. 4965, H. B. 5014, H. B. 5096, H. B. 5117 and Com. Sub. for H. B. 5157, noted to the Clerk that he would have voted "Yea" thereon.

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

**H. B. 4223**: Delegate Ward;

**H. B. 4229**: Delegate Ward;

**H. B. 4521**: Delegate Holstein;

**H. B. 4723**: Delegate Holstein;

**H. B. 4734**: Delegates Hott, Kelly and Riley;

**H. B. 4798**: Delegates Kimble and Petitto;

**H. B. 4892**: Delegate Worrell;

**H. B. 5051**: Delegates Holstein and Petitto;

**H. B. 5052**: Delegate Holstein;

**H. B. 5062**: Delegate Petitto;

**H. B. 5063**: Delegate Petitto;

**H. B. 5087**: Delegate Holstein;

**H. B. 5151**: Delegates Holstein and Petitto;

**H. B. 5219**: Delegate Holstein;

**H. B. 5363**: Delegate Ward;

**H. B. 5391**: Delegate Akers;

**H. B. 5400**: Delegate Barnhart;

And,

**H. C. R. 64**: Delegates Dillon, Forsht, Longanacre and Ridenour.

At 1:16 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, February 5, 2024.

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



## **SPECIAL CALENDAR**

**Monday, February 5, 2024**

**27th Day**

**11:00 A.M.**

### **THIRD READING**

- Com. Sub. for S. B. 31 - Authorizing Department of Human Services to promulgate legislative rules
- Com. Sub. for S. B. 300 - Relating to organization of Office of Inspector General
- Com. Sub. for H. B. 4940 - A squatter cannot be considered a tenant in WV.
- H. B. 5006 - Relating to the administration of the A. James Manchin Rehabilitation Environmental Action Plan
- H. B. 5019 - Relating to surrender and return of license not required for disqualifying or downgrading a driver's license
- Com. Sub. for H. B. 5045 - Related to the administration of the West Virginia Water Pollution Control Act, and Underground Carbon Dioxide Sequestration and Storage
- Com. Sub. for H. B. 5127 - Including Potomac State College in the definition of community and technical college education program for participation in the "Learn and Earn Program"
- H. B. 5310 - Remote Patient Outcome Improvement Act

### **SECOND READING**

- H. J. R. 21 - Amending the Constitution to prohibit persons not United States citizens from voting in any election held within this state
- Com. Sub. for H. B. 4851 - To allow for public and private schools in West Virginia to employ security personnel.
- Com. Sub. for H. B. 5084 - Require retailers to verify identification and age upon purchase of vape products
- Com. Sub. for H. B. 5091 - West Virginia Critical Infrastructure Protection Act
- Com. Sub. for H. B. 5122 - Relating to civil service for deputy sheriffs
- H. B. 5257 - Relating generally to allowing the Supreme Court of Appeals discretion to create uniform pay scales for all levels of judicial

support staff.

H. B. 5348 - Changing the name of the "Raleigh County Recreation Authority" to the "Raleigh County Parks and Recreation Authority"

### **FIRST READING**

Com. Sub. for H. B. 4704 - Creating Infrastructure Ready Jurisdictions

H. B. 4863 - Patriotic Access to Students in Schools Act

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

H. B. 5038 - Relating to research and economic development agreements for state institutions of higher education

H. B. 5050 - Relating to authorizing legislative rules regarding higher education.

Com. Sub. for H. B. 5054 - Relating to the licensure of birthing centers

H. B. 5056 - Relating to substitute service personnel positions

H. B. 5064 - Relating to obtaining title to abandoned or junked motor vehicles abandoned on the property or place of business of an automobile dealer

Com. Sub. for H. B. 5083 - Create mechanism for towing companies in WV to quickly access owner information.

H. B. 5153 - Relating to revising, updating and streamlining the requirements governing the West Virginia Science, Technology, Engineering, and Mathematics Scholarship.

Com. Sub. for H. B. 5158 - Relating to making technical corrections to the special education code

Com. Sub. for H. B. 5179 - Relating to the creation of "Jaycie's Law."

Com. Sub. for H. B. 5200 - Requiring that school counselors serving students in preschool through the 12th grade participate in the School Counselors Conference at least once every two years

Com. Sub. for H. B. 5248 - Relating to the regulation of behavioral health centers

H. B. 5252 - Requiring certain minimum experience for the director or coordinator of services class title involving school transportation.

## **HOUSE CALENDAR**

**Monday, February 5, 2024**

**27th Day**

**11:00 A.M.**

### **SECOND READING**

- H. B. 4795 - Relating to permitting an academic medical center to operate an opioid treatment facility.
- H. B. 4855 - Require Division of Purchasing to write contracts in an unbiased manner
- 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

### **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
- H. B. 5194 - Requiring purchases of certain commodities and services from state use program partners



# **WEST VIRGINIA HOUSE OF DELEGATES**

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**MONDAY, FEBRUARY 5, 2024**

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**HOUSE CONVENES AT 11:00 A.M.**

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

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

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

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

**COMMITTEE ON JUDICIARY  
2:30 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