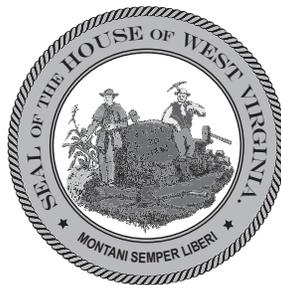


West Virginia Legislature

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February 8, 2024  
THIRTIETH DAY



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Thursday, February 8, 2024

### THIRTIETH DAY

[DELEGATE ESPINOSA, MR. SPEAKER PRO TEMPORE, IN THE CHAIR]

The House of Delegates was called to order by the Honorable Paul Espinosa, Speaker Pro Tempore.

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

The Clerk proceeded to read the Journal of Wednesday, February 7, 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 H. B. 5237, on First Reading, Special Calendar, had been transferred to the House Calendar; and Com. Sub. for H. B. 4851, on Third Reading, House Calendar, had been transferred to the Special Calendar.

### Committee Reports

Delegate Rohrbach, Chair of the Committee on Prevention and Treatment of Substance Abuse, submitted the following report, which was received:

Your Committee on Prevention and Treatment of Substance Abuse has had under consideration:

**H. B. 4961**, To create the Substance Abuse Recovery Tax Credit,

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. 4961) was referred to the Committee on Finance.

Delegate Rohrbach, Chair of the Committee on Prevention and Treatment of Substance Abuse, submitted the following report, which was received:

Your Committee on Prevention and Treatment of Substance Abuse has had under consideration:

**H. B. 4667**, To prohibit the distribution of smoking devices as part of a harm reduction 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 the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 4667) was referred to the Committee on the Judiciary.

Delegate Worrell, Chair of the Committee on Workforce Development, submitted the following report, which was received:

Your Committee on Workforce Development has had under consideration:

**H. B. 5375**, Work Protection Act,

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. 5375) was referred to the Committee on Government Organization.

Delegate Horst, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 4911**, Relating to the sale of raw milk,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4911) was referred to the Committee on Health and Human Resources.

Delegate Horst, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 5349**, West Virginia Truth in Food Labeling Act,

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 Health and Human Resources.

In accordance with the former direction of the Speaker, the bill (H. B. 5349) was referred to the Committee on Health and Human Resources.

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. 5267**, Relating to the Deputy Sheriff Retirement System,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5267** - "A Bill to amend and reenact §7-14D-13, §7-14D-18, §7-14D-19, and §7-14D-24a of the Code of West Virginia, 1931, as amended, all relating to the Deputy Sheriff Retirement System; providing payment upon death of member with less than 10 years of contributory service; providing surviving spouse benefits when member dies from duty or non-duty related cause; and providing age calculation for a member who elected early retirement who then returned to work,"

And,

**H. B. 5273**, Relating to the Emergency Medical Services Retirement System and clarifying payment upon death of member with less than 10 years of contributory service,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5273** - "A Bill to amend and reenact §16-5V-18, §16-5V-23, §16-5V-24 and §16-5V-35 of the Code of West Virginia, 1931, as amended, all relating to the Emergency Medical Services Retirement System; providing payment upon death of member with less than 10 years of contributory service; providing surviving spouse benefits when member dies from duty or non-duty related cause; and providing age calculation for a member who elected early retirement who then returned to work,"

With the recommendation that the committee substitutes 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. 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,

And,

**H. B. 5270**, Relating to the Natural Resources Police Officers Retirement System,

And reports the same back with the recommendation that they 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. 5435**, Establishing the registered apprenticeship to associate of applied science program to be administered by the Council for Community and Technical College Education,

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. 5435) 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. 4919**, Relating to the Promise Scholarship,

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. 4919) was referred to the Committee on Finance.

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:

**H. B. 5002**, To require at least 1 baby changing station to existing and future rest areas in this state for both male and female restrooms,

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

And,

**S. B. 171**, Prohibiting county commissions from adopting authorization that exceeds state law regarding agriculture operations,

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:

**H. B. 5399**, To modify the state auditing practices of the volunteer and part-volunteer fire departments,

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. 5399) was referred to the Committee on Finance.

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:

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

And reports back a committee substitute therefor, as follows:

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

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. 4951**, To facilitate the interstate practice of School Psychology in educational or school settings,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4951** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §18-10R-1, relating to the Interstate Compact for School Psychologists; stating purpose; definitions; providing for state participation in compact; providing for discipline; establishment of school psychologist interstate licensure compact commission; facilitating information exchange; and providing an effective date, withdrawal, and amendments,"

**H. B. 4986**, Relating to computer science and cybersecurity instruction for adult learners,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4986** - "A Bill to the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-19e, relating to providing computer science and cybersecurity instruction for adult learners,"

And,

**H. B. 5262**, Relating generally to teacher's bill of rights,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5262** - "A Bill to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended; to amend and reenact §18-20-1c of said code; to amend said code by adding thereto a new section, designated §18-20-12; to amend and reenact §18A-1-1 of said code; to amend and reenact §18A-2-2 of said code; to amend said code by adding thereto a new article, designated §18A-2A-1; and to amend and reenact §18A-5-1 and §18A-5-1c of said code; all relating generally to the rights of school counselors, special education teachers, and teachers; defining the duties of counselors; ensuring that counselors are provided with the same

classification as professional educators to be consistent with the code; clarifying data to be provided; ensuring that school counselors are afforded the protections of teachers as set forth in the Teachers Bill of Rights; defining the special education student to instructor ratio, a waiver process, and compensation given to a teacher when the ratio is exceeded; ensuring that special education teachers are afforded the protections of teachers as set forth in the Teachers Bill of Rights; providing for the creation of a Teachers Bill of Rights Educational Doctrine; providing for supplemental duty calendar provisions; and clarifying the process for the removal of students,"

With the recommendation that the committee substitutes each do pass.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 5072**, To require drones used by state and county personnel to be produced in the United States,

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. 5072) was referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 5261**, Relating to the definition of small arms for purposes of taxation,

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:

**H. J. R. 28**, Protection from medically assisted suicide or euthanasia in West Virginia Amendment,

And reports the same back with the recommendation that it be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolution (H. J. R. 28) was referred to the Committee on Rules.

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

Your Committee on the Judiciary has had under consideration:

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

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4782** - "A Bill to amend and reenact §8-12-5a of the Code of West Virginia, 1931, as amended, relating to limitations upon municipalities' power to restrict the sale and storage of weapons; declaring ordinances which restrict or prohibit certain sales of firearms, firearms accessories or components, and other lawful personal defense tools or products as void; restricting a municipality from using its planning or zoning powers solely to prohibit the sale of firearms, firearms accessories or components, or lawful personal defense tools or products other than firearms within a prescribed distance of any other type of commercial property or of school property or other educational property; providing remedies for violations; and clarifying that the amendment to the section shall be known as the Second Amendment Business Protection Act,"

And,

**H. B. 5326**, Relating to prohibition of unfair real estate service agreements,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5326** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-38B-1, §30-38B-2, §30-38B-3, §30-38B-4, §30-38B-5, §30-38B-6, §30-38B-7, and §30-38B-8, all relating to providing for the prohibition of real estate service agreements that are unfair to an owner of residential real estate; prohibiting the recording of such agreements so that the public records will not be clouded by them; providing that recording, causing to be recorded, an unfair real estate service agreements is a misdemeanor and creates penalties of confinement in jail for a term not to exceed 6 months and fined \$25,000; and providing for remedies,"

With the recommendation that the committee substitutes each do pass.

### **Reports of Select Committees**

Delegate Cannon, Chair of the Select Committee on Artificial Intelligence, submitted the following report, which was received:

Your Select Committee on Artificial Intelligence has had under consideration:

**H. B. 5443**, Clarifying that electronic data processing services are to be included in the valuation of specialized high-technology property,

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

In accordance with the former direction of the Speaker, the bill (H. B. 5443) was referred to the Committee on Technology and Infrastructure.

### **Messages from the Executive and Other Communications**

The Clerk announced that **H. B. 4026** was presented to the Governor on February 7, 2024.

A communication from His Excellency, the Governor, advised that on February 7, 2024, he approved **S. B. 462, S. B. 483, H. B. 4252 and H. B. 5332.**

### 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. 4801**, Relating generally to the banking authority of the State Treasurer's Office.

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

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

#### **"ARTICLE 1. STATE DEPOSITORIES.**

##### **§12-1-1b. Prohibited clauses in State Treasurer contracts.**

(a) Any term or condition in any contract entered into by the State Treasurer shall be void ab initio to the extent that it requires the State Treasurer to agree to or abide by a term and condition prohibited in §5A-3-62 of this code.

(b) No official, employee, agent, or representative of the State Treasurer may contravene this section, and no oral or written expression of consent to any term or condition declared void ab initio by this section, or signature on a contract, may be deemed as such. Any contract that contains a term or condition declared void ab initio by this section shall otherwise be enforceable as if it did not contain such term or condition. All contracts entered into by the State Treasurer, except for contracts with another government, shall be governed by West Virginia law notwithstanding any term or condition to the contrary.

##### **§12-1-5. Limitation on amount on deposit; dedicated method; rules.**

(a) The amount of state funds on deposit in any depository in excess of the amount insured by an agency of the federal government shall be secured by a deposit guaranty bond issued by a valid bankers' surety company or by other securities acceptable to the State Treasurer, pursuant to the dedicated method ~~as defined in §12-1B-4 of this code~~, in an amount of at least 102 percent of the amount on deposit. The value of the collateral shall be determined by the State Treasurer.

(b) The State Treasurer ~~shall~~ may propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code and may promulgate emergency rules pursuant to the provisions of §29A-3-15 of this code as are necessary to effectuate the provisions of this section.

(c) For the purposes of this section, the term "dedicated method" means the securing of public deposits without accepting the contingent liability for the losses of public deposits of other designated state depositories as provided in this section.

**ARTICLE 1B. WEST VIRGINIA SECURITY FOR PUBLIC DEPOSITS ACT.****§12-1B-5. West Virginia Security for Public Deposits Program ~~established~~ authorized.**

The West Virginia Security for Public Deposits Program is hereby ~~established~~ authorized. The State Treasurer shall announce the commencement of the West Virginia Security for Public Deposits Program, at which time the requirements of this article become effective, by publishing a notice in the State Register at least 30 days prior to commencement of the program. The Treasurer shall implement and administer the West Virginia Security for Public Deposits Program under the terms and conditions required by this article. ~~The Public Deposits Program shall be operable on or before March 1, 2024.~~

**§12-1B-7. Powers and duties of the State Treasurer; rules; charges; contracts.**

In order to implement and administer the Public Deposits Program, the State Treasurer ~~shall~~ may:

(1) Propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code and may promulgate emergency rules pursuant to the provisions of §29A-3-15 of this code as are necessary to effectuate the provisions of this article, including, but not limited to, the following:

(A) The terms and conditions under which public deposits must be secured;

(B) The method for determining the pooled collateral requirements based on balance the of public funds held in the designated state depository in excess of funds insured by an agency of the federal government and the evaluation of the overall financial condition of the designated state depository;

(C) The collateral requirements and collateral pledging level for each designated state depository as determined to be prudent under the circumstances and based on nationally recognized financial rating services information and established financial performance guidelines;

(D) The securities or instruments that constitute eligible collateral under this article and the percentage of face value or market value of such securities or instruments that can be used to secure public deposits;

(E) Reporting requirements for designated state depositories;

(F) The process for a designated state depository to withdraw from the pooled method of securing public deposits and instead be governed by the procedures for securing such deposits by the dedicated method or other approved method permitted in this code, consistent with the primary purpose of protecting public deposits;

(G) The process for determining when a default or insolvency has occurred, or is likely to occur, and the actions necessary for the protection, collection, compromise, or settlement of any claim arising in case of default or insolvency;

(H) Requirements for the payment of losses by pooled or dedicated methods; and

(1) Any and all guidelines necessary and proper for the full and complete administration of this article;

(2) Charge and collect any necessary administrative fees, fines, penalties, and service charges in connection with the Public Deposits Program or any agreement, contract, or transaction pursuant to this article;

(3) Execute contracts, agreements, or other instruments for goods and services necessary to effectuate this article, including agreements with designated state depositories or any other entity. Selection of these services is not subject to §5A-3-1 *et seq.* of this code; and

(4) Perform all other lawful actions necessary to effectuate the provisions of this article, subject to applicable state and federal law.”

And,

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

**Com. Sub. for H. B. 4801** –“A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-1-1b; to amend and reenact §12-1-5 of said code; and to amend and reenact §12-1B-5 and §12-1B-7 of said code, all relating generally to the banking and contractual authority of the State Treasurer’s Office; setting forth prohibited terms and conditions in State Treasurer contracts consistent with general restrictions on other state contracts; authorizing rulemaking by the State Treasurer; and requiring advance announcement by the State Treasurer of the West Virginia Security for Public Deposits Program commencement date by publication in the State Register.”

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. 118**), and there were—yeas 94, nays 1, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Vance.

Absent and Not Voting: Ridenour, Shamblin, Steele, Stephens and Hanshaw (Mr. Speaker).

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 4801) passed.

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

A message from the Senate, by

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

**Com. Sub. for S. B. 300**, Relating to organization of Office of Inspector General.

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

**Com. Sub. for S. B. 300** – “A Bill to repeal §5-11-1, §5-11-2, §5-11-3, §5-11-4, §5-11-5, §5-11-6, §5-11-7, §5-11-8, §5-11-9, §5-11-9a, §5-11-10, §5-11-11, §5-11-12, §5-11-13, §5-11-14, §5-11-15, §5-11-16, §5-11-17, §5-11-18, §5-11-19, and §5-11-20 of the Code of West Virginia, 1931, as amended; to repeal §5-11A-1, §5-11A-2, §5-11A-3, §5-11A-3a, §5-11A-4, §5-11A-5, §5-11A-6, §5-11A-7, §5-11A-8, §5-11A-9, §5-11A-10, §5-11A-11, §5-11A-12, §5-11A-13, §5-11A-14, §5-11A-15, §5-11A-16, §5-11A-17, §5-11A-18, §5-11A-19, and §5-11A-20 of said code; to repeal §5-11B-1, §5-11B-2, §5-11B-3, §5-11B-4, §5-11B-5, §5-11B-6, and §5-11B-7 of said code; to amend and reenact §5F-2-1a of said code; to amend and reenact §9-5-27 of said code; to repeal §16-1-22, §16-1-22a, §16-1-22b, and §16-1-22c of said code; to repeal §16-2E-1, §16-2E-2, §16-2E-3, §16-2E-4, and §16-2E-5 of said code; to repeal §16-2N-1, §16-2N-2, and §16-2N-3 of said code; to repeal §16-5B-1, §16-5B-2, §16-5B-3, §16-5B-4, §16-5B-5, §16-5B-5a, §16-5B-6, §16-5B-7, §16-5B-8, §16-5B-9, §16-5B-10, §16-5B-11, §16-5B-12, §16-5B-13, §16-5B-14, §16-5B-15, §16-5B-16, §16-5B-17, §16-5B-18, §16-5B-19, and §16-5B-20 of said code; to repeal §16-5C-1, §16-5C-2, §16-5C-3, §16-5C-4, §16-5C-5, §16-5C-6, §16-5C-7, §16-5C-8, §16-5C-9, §16-5C-9a, §16-5C-10, §16-5C-11, §16-5C-12, §16-5C-12a, §16-5C-13, §16-5C-14, §16-5C-15, §16-5C-18, §16-5C-19, §16-5C-20, §16-5C-21, and §16-5C-22 of said code; to repeal §16-5D-1, §16-5D-2, §16-5D-3, §16-5D-4, §16-5D-5, §16-5D-6, §16-5D-7, §16-5D-8, §16-5D-9, §16-5D-10, §16-5D-11, §16-5D-12, §16-5D-13, §16-5D-14, §16-5D-15, and §16-5D-18 of said code; to repeal §16-5E-1, §16-5E-1a, §16-5E-2, §16-5E-3, §16-5E-3a, §16-5E-4, §16-5E-5, and §16-5E-6 of said code; to repeal §16-5H-1, §16-5H-2, §16-5H-3, §16-5H-4, §16-5H-5, §16-5H-6, §16-5H-7, §16-5H-8, §16-5H-9, and §16-5H-10 of said code; to repeal §16-5I-1, §16-5I-2, §16-5I-3, §16-5I-4, §16-5I-5, and §16-5I-6 of said code; to repeal §16-5N-1, §16-5N-2, §16-5N-3, §16-5N-4, §16-5N-5, §16-5N-6, §16-5N-7, §16-5N-8, §16-5N-9, §16-5N-10, §16-5N-11, §16-5N-12, §16-5N-13, §16-5N-14, §16-5N-15, and §16-5N-16 of said code; to repeal §16-5O-1, §16-5O-2, §16-5O-3, §16-5O-4, §16-5O-5, §16-5O-6, §16-5O-7, §16-5O-8, §16-5O-9, §16-5O-10, §16-5O-11, and §16-5O-12 of said code; to repeal §16-5R-1, §16-5R-2, §16-5R-3, §16-5R-4, §16-5R-5, §16-5R-6, and §16-5R-7 of said code; to repeal §16-5W-1, §16-5W-2, §16-5W-3, and §16-5W-4 of said code; to repeal §16-5Y-1, §16-5Y-2, §16-5Y-3, §16-5Y-4, §16-5Y-5, §16-5Y-6, §16-5Y-7, §16-5Y-8, §16-5Y-9, §16-5Y-10, §16-5Y-11, §16-5Y-12, and §16-5Y-13 of said code; to repeal §16-5AA-1, §16-5AA-2, §16-5AA-3, §16-5AA-4, §16-5AA-5, §16-5AA-6, §16-5AA-7, §16-5AA-8, §16-5AA-9, and §16-5AA-10 of said code; to repeal §16-49-1, §16-49-2, §16-49-3, §16-49-4, §16-49-5, §16-49-6, §16-49-7, §16-49-8, and §16-49-9 of said code; to amend said code by adding thereto a new chapter, designated §16B-1-1, §16B-2-1, §16B-2-2, §16B-2-3, §16B-2-4, §16B-3-1, §16B-3-2, §16B-3-3, §16B-3-4, §16B-3-5, §16B-3-5a, §16B-3-6, §16B-3-7, §16B-3-8, §16B-3-9, §16B-3-10, §16B-3-11, §16B-3-12, §16B-3-13, §16B-3-14, §16B-3-15, §16B-3-16, §16B-3-17, §16B-3-18, §16B-3-19, §16B-3-20, §16B-4-1, §16B-4-2, §16B-4-3, §16B-4-4, §16B-4-5, §16B-4-6, §16B-4-7, §16B-4-8, §16B-4-9, §16B-4-9a, §16B-4-10, §16B-4-11, §16B-4-12, §16B-4-12a, §16B-4-13, §16B-4-14, §16B-4-15, §16B-4-16, §16B-4-17, §16B-4-18, §16B-4-19, §16B-4-20, §16B-5-1, §16B-5-2, §16B-5-3, §16B-5-4, §16B-5-5, §16B-5-6, §16B-5-7, §16B-5-8, §16B-5-9, §16B-5-10, §16B-5-11, §16B-5-12, §16B-5-13, §16B-5-14, §16B-5-15, §16B-5-16, §16B-6-1, §16B-6-1a, §16B-6-2, §16B-6-3, §16B-6-3a, §16B-6-4, §16B-6-5, §16B-6-6, §16B-7-1, §16B-7-2, §16B-7-3, §16B-7-4, §16B-7-5, §16B-7-6, §16B-7-7, §16B-7-8, §16B-7-9, §16B-7-10, §16B-8-1, §16B-8-2, §16B-8-3, §16B-8-4, §16B-8-5, §16B-8-6, §16B-9-1, §16B-9-2, §16B-9-3, §16B-9-4, §16B-9-5, §16B-9-6, §16B-9-7, §16B-9-8, §16B-9-9, §16B-9-10, §16B-9-11, §16B-9-12, §16B-9-13, §16B-9-14, §16B-9-15, §16B-9-16, §16B-10-1, §16B-10-2, §16B-10-3, §16B-10-4, §16B-10-5, §16B-10-6, §16B-10-7, §16B-10-8, §16B-10-9, §16B-10-10, §16B-10-11, §16B-10-12, §16B-11-1, §16B-11-2, §16B-11-3, §16B-11-4, §16B-11-5, §16B-11-6, §16B-11-7, §16B-12-1, §16B-12-2, §16B-12-3, §16B-13-1, §16B-13-2, §16B-13-3, §16B-13-4, §16B-13-5, §16B-13-6, §16B-13-7, §16B-13-8, §16B-13-9, §16B-13-10, §16B-13-11, §16B-13-12, §16B-13-13, §16B-14-1, §16B-14-2, §16B-14-3, §16B-14-4, §16B-14-5, §16B-14-6, §16B-14-7, §16B-14-8, §16B-14-9, §16B-14-10, §16B-15-1, §16B-15-2, §16B-15-3, §16B-15-4, §16B-15-5, §16B-15-6, §16B-15-7, §16B-15-

8, §16B-15-9, §16B-16-1, §16B-16-2, §16B-16-3, §16B-16-4, §16B-16-5, §16B-16-6, §16B-16-7, §16B-16-8, §16B-16-9, §16B-16-10, §16B-17-1, §16B-17-2, §16B-17-3, §16B-17-4, §16B-17-5, §16B-17-6, §16B-17-7, §16B-17-8, §16B-17-9, §16B-17-9a, §16B-17-10, §16B-17-11, §16B-17-12, §16B-17-13, §16B-17-14, §16B-17-15, §16B-17-16, §16B-17-17, §16B-17-18, §16B-17-19, §16B-17-20, §16B-18-1, §16B-18-2, §16B-18-3, §16B-18-3a, §16B-18-4, §16B-18-5, §16B-18-6, §16B-18-7, §16B-18-8, §16B-18-9, §16B-18-10, §16B-18-11, §16B-18-12, §16B-18-13, §16B-18-14, §16B-18-15, §16B-18-16, §16B-18-17, §16B-18-18, §16B-18-19, §16B-18-20, §16B-19-1, §16B-19-2, §16B-19-3, §16B-19-4, §16B-19-5, §16B-19-6, §16B-19-7, §16B-20-1, §16B-20-2, §16B-20-3, §16B-20-4, §16B-20-5, §16B-21-1, §16B-21-2, and §16B-21-3; to amend and reenact §25-1B-7 of said code; to amend and reenact §27-1-9 of said code; to amend and reenact §27-1A-6 and §27-1A-7 of said code; to amend and reenact §27-9-1 and §27-9-2 of said code; to amend and reenact §27-17-1 and §27-17-3 of said code; to amend and reenact §49-1-203 of said code; and to repeal §49-9-101, §49-9-102, §49-9-103, §49-9-104, §49-9-105, §49-9-106, §49-9-107, §49-9-108, §49-9-109, and §49-9-110 of said code, all relating to the organization of the Office of the Inspector General; moving related units, programs, and commissions that are affiliated with the Office of Inspector General into the same chapter; setting for findings; setting forth duties and powers; providing for rulemaking authority; setting forth qualifications for directors; requiring directors to be appointed by a certain date; and making technical and stylistic changes.”

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 119**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Ridenour, Shamblin, Steele, Stephens and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for S. B. 300) passed.

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

On this question, the yeas and nays were taken (**Roll No. 120**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Ridenour, Shamblin, Steele, Stephens and Hanshaw (Mr. Speaker).

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for S. B. 300) takes effect from its passage.

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

A message from the Senate, by

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

**Com. Sub. for S. B. 325** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-8-6a, relating to the distribution of drugs to safety net providers and contract pharmacies; defining terms; penalties; promulgation of rules; and preemption"; which was referred to the Committee on Finance.

A message from the Senate, by

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

**S. B. 507** - "A Bill to repeal §18-13-1, §18-13-2, §18-13-3, §18-13-4, and §18-13-5 of the Code of West Virginia, 1931, as amended, relating to repeal of West Virginia EDGE"; which was referred to the Committee on Education.

A message from the Senate, by

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

**S. B. 529** - "A Bill to amend and reenact §18C-7-3 of the Code of West Virginia, 1931, as amended, relating to including Salem University as a program wherein the PROMISE Scholarship is accepted"; which was referred to the Committee on Education then Finance.

A message from the Senate, by

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

**Com. Sub. for S. B. 540** - "A Bill to amend and reenact §1-1-5 of the Code of West Virginia, 1931, as amended, relating to updating the West Virginia coordinate systems"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

**S. B. 547** - "A Bill to amend and reenact §18B-17-2 and §18B-17-3 of the Code of West Virginia, 1931, as amended, all relating to authorizing legislative rules regarding higher education; authorizing legislative rules for the Higher Education Policy Commission regarding Guidelines for Employing and Evaluating Presidents; Higher Education Adult Part-Time Student Grant Program; West Virginia Providing Real Opportunities for Maximizing In-State Student Excellence Scholarship Program; Dual Enrollment Pilot Program; West Virginia Science, Technology, Engineering, and Math Scholarship Program; West Virginia Higher Education Grant Program; Nursing Scholarship Program; authorizing legislative rules for the Council for Community and Technical College Education regarding Higher Education Accountability System; Dual Enrollment Pilot Program; Initial Authorization of Degree-Granting Institutions; Tuition and Fees; and repealing the Council for Community and Technical College Education's rule regarding Accountability System."

At the respective requests of Delegate Householder, and by unanimous consent, reference of the bill (S. B. 547) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

**Com. Sub. for S. B. 557** - "A Bill to amend and reenact §8-15-10a of the Code of West Virginia, 1931, as amended, relating to compensation for firefighters who are required to work holidays; establishing that firefighters who are required to work during a legal holiday are entitled to compensation for their entire shift even if the shift spans two calendar days"; which was referred to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

### **Resolutions Introduced**

Resolutions were introduced and severally referred as follows:

**By Delegates Pinson, Barnhart, Burkhammer, Chiarelli, T Clark, Coop-Gonzalez, Criss, DeVault, Ellington, Fast, Fehrenbacher, Ferrell, Garcia, Green, Griffith, Hardy, Hillenbrand, Hite, Hornbuckle, Horst, Jennings, Kump, Linville, Mallow, McGeehan, Petitto, Phillips, C. Pritt, Riley, Sheedy, Statler, Stephens, Street, Toney, Tully, Vance, Warner, Winzenreid and Young:**

**H. C. R. 71** - "Requesting the Division of Highways to place at least 10 additional signs along highways entering West Virginia honoring fallen veterans and Gold Star Families"; to the Committee on Rules.

**By Delegates Ridenour, Kirby, C. Pritt, Ward, Phillips and Foster:**

**H. C. R. 72** - "To declare the sovereign right of the State of West Virginia to nullify and prevent unconstitutional acts of the federal government. "; to the Committee on the Judiciary then Rules.

**By Delegates Howell and Coop-Gonzalez:**

**H. C. R. 73** - "Requesting that the United States Congress call a convention to propose an amendment to the Constitution of the United States clarifying that the census referred to in Article 1, §2 of the Constitution of the United States means the counting only of citizens of the United States for apportionment of Congressional representation and apportionment of political representation of the subdivisions of the United States"; to the Committee on Rules.

### **Bills Introduced**

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

**By Delegates Hillenbrand, Kelly, Steele, Ward, Thorne, Akers and Garcia:**

**H. B. 5520** - "A Bill to amend and reenact §49-4-727, §49-4-729, and §49-4-733 of the Code of West Virginia, 1931, as amended, all relating to juvenile competency; repealing the presumption of competence of a child 14 years of age or older; repealing the presumption of incompetence of a child under the age of 14 years; and clarifying that a juvenile under the age of 14 years may not be detained in certain circumstances"; to the Committee on the Judiciary.

**By Delegates Kimble, Jeffries, Phillips, Hott, Worrell, McGeehan, C. Pritt, Moore, Heckert, Foggin and Brooks:**

**H. B. 5521** - "A Bill to amend and reenact §16-3-1 of the Code of West Virginia, 1931, as amended, relating to ensuring that no law may require a person to receive or use a medical product; and ensuring there will be no penalties imposed, nor benefit denied, due to refusing a

medical product or refusing to disclose whether a medical product has been used or not"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Mallow, Vance, Sheedy, DeVault, Green, Barnhart, Zatezalo, Mazzocchi, Holstein, Miller and Heckert:**

**H. B. 5522** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13-2s, relating to providing a credit against the business and occupation tax imposed on coal-fired electric generating units to help off-set environmental compliance costs"; to the Committee on Energy and Manufacturing then Finance.

**By Delegates Cooper, Horst, Smith, Winzenreid, Hornby, Forsht, Hite, Butler, Jennings, Heckert and Ridenour:**

**H. B. 5523** - "A Bill to amend and reenact §3-2-27 of the Code of West Virginia, 1931, as amended, to authorize cancellation of voter registration records for individuals who are no longer West Virginia citizens and have obtained a driver's license in another state"; to the Committee on the Judiciary.

**By Delegate Coop-Gonzalez:**

**H. B. 5524** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2S-1, §16-2S-2, §16-2S-3, §16-2S-4, §16-2S-5, §16-2S-6, §16-2S-7, §16-2S-8, and §16-2S-9, all relating to regulating and restricting the shipment and receipt of abortion-inducing drugs and abortion-related paraphernalia; ensuring compliance with 18 U.S.C. §§1461–1462; establishing a private right of action for those injured or killed by the use of abortion-inducing drugs; establishing venue rules for the private right of action; defining qualified Medicaid providers; establishing a fee-shifting regime in abortion litigation; including a short title; providing definitions; and addressing applicability, construction, jurisdiction, sovereign immunity, remedies, and severability"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Ridenour, Longanacre, Steele, Hillenbrand, Butler, Sheedy, Kirby, McGeehan and Phillips:**

**H. B. 5525** - "A Bill to amend and reenact §15-4-1, §15-4-2, §15-4-3, §15-4-4, §15-4-5, §15-4-6, §15-4-7, §15-4-8, §15-4-9, §15-4-10, §15-4-11, §15-4-12, and §15-4-13 of the Code of West Virginia, 1931, as amended, and to amend said Code by adding thereto three new sections, designated §15-4-14, §15-4-15, and §15-4-16, all related to updating and revising all provisions of this Code relating to the West Virginia State Guard"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

**By Delegates Rowe, Pinson, Burkhammer, W. Hall, Pushkin, Hornbuckle, Griffith, Hamilton and Hansen:**

**H. B. 5526** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-4-601c, relating to creating a pilot program to provide legal services, advice, and representation to parents who are facing legal issues that may otherwise result in the removal of their child or children"; to the Committee on the Judiciary.

**By Delegates Horst, Dean, Crouse, Longanacre, Foster, Bridges, Coop-Gonzalez, Mallow and Hott:**

**H. B. 5527** - "A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended relating to allowing persons who have a concealed carry license to carry a concealed handgun in or on the grounds of any primary or secondary educational facility"; to the Committee on Education then the Judiciary.

**By Delegates Anderson, Zatezalo, Heckert, Fehrenbacher, T Clark, Hansen and Rowe:**  
**H. B. 5528** - "A Bill to amend and reenact §24-2-1o of the Code of West Virginia, 1931, as amended, relating to the renewable energy facilities program; modifying the allowable incremental size increase from 50 to 100 megawatts of generating capacity by regulated utilities under the program; and eliminating the sunset provision of the renewable energy facilities program"; to the Committee on Energy and Manufacturing.

### Special Calendar

#### Third Reading

**Com. Sub. for H. B. 4320**, Relating to access for minor children's medical records; 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. 121**), and there were—yeas 85, nays 11, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: T. Clark, Fluharty, Griffith, Hamilton, Hansen, Hornbuckle, Lewis, Pushkin, Rowe, Williams and Young.

Absent and Not Voting: Ridenour, Shamblin, Stephens and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 4320) passed.

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

**Com. Sub. for H. B. 4320** - "A Bill to amend and reenact §16-29-1 of the Code of West Virginia, 1931, as amended, relating to and clarifying the process of providing copies of health care records that are to be furnished to patients, and to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-29-3 relating to a parent or guardian's access to the health care records of their minor child; and relating to a requirement that no release, authorization, nor any form of permission from or by the minor child shall be required or requested as a prerequisite for the parent or legal guardian to obtain the medical records."

*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. 4704**, Creating Infrastructure Ready Jurisdictions; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

On motion of Delegates Ward, Gearheart, Linville and Hillenbrand, the bill was amended on page 1, section 1, line 4, immediately following the word "Jurisdiction" by inserting the following:

“:Provided, That nothing in this section shall serve to limit the ability of, or to penalize, a political subdivision of this state which elects to promulgate regulations which serve to regulate the installation of wind power equipment.”

On motion of Delegate Linville, the bill was amended on page 1, section 1, line 6, immediately following the word “Jurisdiction” by inserting the following:

“:Provided, That those additional permitting requirements which would prevent certification as an infrastructure ready jurisdiction shall only be construed to be those permitting requirements which serve either to delay an infrastructure project or increase its cost.”

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 122**), and there were—yeas 80, nays 15, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Criss, Dean, Dillon, Gearheart, Hamilton, Hansen, Heckert, Kimble, Lewis, McGeehan, C. Pritt, Pushkin, Thorne, Ward and Young.

Absent and Not Voting: Hardy, Ridenour, Shamblin, Stephens and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 4704) 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. 4851**, To allow for public and private schools in West Virginia to employ security personnel; on third reading, coming up in regular order, with amendment pending, was reported by the Clerk.

Delegates Coop-Gonzalez, Longanacre, Foster, Gearheart, and Ward moved to amend the bill on page 2, section 3, line 33, after the word “of”, by striking the words “systemic and individual”.

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

The yeas and nays having been ordered, they were taken (**Roll No. 123**), and there were—yeas 75, nays 20, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Akers, Fluharty, Garcia, Griffith, Hamilton, Hansen, Hardy, Hornbuckle, Kelly, Lewis, Nestor, Pushkin, Rowe, Steele, Toney, Vance, Westfall, Williams, Winzenreid and Young.

Absent and Not Voting: Ridenour, Shamblin, Stephens, Worrell and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the amendment was adopted.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 124**), and there were—yeas 89, nays none, absent and not voting 11, with the absent and not voting being as follows:

Absent and Not Voting: Foggin, Green, Hamilton, Hornbuckle, Lucas, Nestor, C. Pritt, Ridenour, Shamblin, Stephens and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 4851) 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. 4885**, Relating to blocking roadways; 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. 125**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Foggin, Lucas, Nestor, Pinson, Ridenour, Shamblin, Stephens and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 4885) 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. 5054**, Relating to the licensure of birthing centers; 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. 126**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Ferrell, Fluharty, Lucas, Pinson, Ridenour, Shamblin, Stephens and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 5054) 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. 5057**, To raise the threshold for nominal referral fees from \$25 to \$100; 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. 127**), and there were—yeas 91, nays 2, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Martin and Pushkin.

Absent and Not Voting: Pinson, Ridenour, Ross, Shamblin, Steele, Stephens and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 5057) 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. 5064**, Relating to obtaining title to abandoned or junked motor vehicles abandoned on the property or place of business of an automobile dealer; 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. 128**), and there were—yeas 88, nays 4, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Gearheart, Riley and Young.

Absent and Not Voting: Hansen, Pinson, Ridenour, Ross, Shamblin, Steele, Stephens and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (H. B. 5064) 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. 5083**, Create mechanism for towing companies in WV to quickly access owner information; 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. 129**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Hansen, Pinson, Ridenour, Ross, Shamblin, Steele, Stephens and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 5083) 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. 5252**, Requiring certain minimum experience for the director or coordinator of services class title involving school transportation; on second reading, coming up in regular order, was reported by the Clerk.

On motion of Delegate Foster, the bill was postponed one day.

**H. B. 5298**, Relating to prohibiting a candidate who failed to secure the nomination of a political party in a primary election from seeking the same elected office as an affiliate with a different political party in the subsequent general election; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 130**), and there were—yeas 88, nays 3, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Brooks, Cannon and Foggin.

Absent and Not Voting: Hansen, Pinson, Ridenour, Ross, Shamblin, Steele, Stephens, Westfall and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (H. B. 5298) passed.

Delegate Householder moved that the bill take effect January 1, 2025.

On this question, the yeas and nays were taken (**Roll No. 131**), and there were—yeas 89, nays 2, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Howell and Martin.

Absent and Not Voting: Hansen, Pinson, Ridenour, Ross, Shamblin, Steele, Stephens, Westfall and Hanshaw (Mr. Speaker).

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker Pro Tempore declared the bill (H. B. 5298) takes effect January 1, 2025.

*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. 318**, Modifying process of when parental rights are terminated; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**S. B. 428**, Establishing appeals from administrative rulings are to be filed with Intermediate Court of Appeals; on second reading, coming up in regular order, was read a second time.

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

#### **“ARTICLE 11B. FROZEN DESSERTS AND IMITATION FROZEN DESSERTS LAW.**

##### **§19-11B-12. Hearings and appeals.**

(a) Any person aggrieved by any action taken under this article shall be afforded the opportunity for a hearing before the commissioner under the rules promulgated by the commissioner.

(b) Hearings shall be conducted in accordance with procedures set forth by rule.

(c) All the testimony and evidence at a hearing shall be recorded by mechanical means, which may include the use of tape recordings. The mechanical record shall be maintained for 90 days from the date of the hearing and a transcript shall be made available to the aggrieved party.

(d) Any party who feels aggrieved of the suspension, revocation, or denial order may appeal ~~within 60 days to the circuit court of the county in which the person has located its principal place of business~~ Intermediate Court of Appeals pursuant to the provisions of §29A-5-4 of this code."

The bill was ordered to third reading,

**S. B. 543**, Relating to research and economic development agreements for state institutions of higher education; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**H. B. 4224**, Relating to performance metrics for the West Virginia Division of Highways; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 4233**, Non-binary not permitted on birth certificates; 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. 4758**, Creation of the Joint Oversight Committee on the Fusion Center; 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. 4786**, Delivery Network Company (DNC) Insurance Model Act; on second reading, coming up in regular order, was reported by the Clerk.

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

**Com. Sub. for H. B. 4845**, To prohibit swatting; 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. 5232**, The Business Liability Protection Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 5243**, Relating to Women's Bill of Rights; 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. 5250**, Relating to combatting gift card fraud; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Brooks, the bill was amended on page 3, section 3, line 11, by striking subdivision (C)(2) in its entirety and by renumbering the remainder of subsection (c) accordingly.

On motion of Delegate Winzenreid, the bill was amended on page 3, section 5, line 2, after the word "\$250" by inserting the words ": *Provided*, that nothing in this Article shall be construed to limit the prosecution of an individual under the provisions of §61-15-1 *et seq.* of this code."

The bill was then ordered to engrossment and third reading.

**H. B. 5251**, Relating to the Telephone Consumer Protection Act; on second reading, coming up in regular order, was read a second time.

Delegate Kelly asked and obtained unanimous consent that a previously filed amendment be withdrawn.

On motion of Delegate Kelly, the bill was amended on page 1, section 1, line 6, by striking the words "selection or dialing" and inserting in lieu thereof "sequential or random generation".

And,

On page 2, section 1, line 22, by striking the words "selection or dialing" and inserting in lieu thereof "sequential or random generation".

And,

On page 2, section 1, line 32, by striking the words "conduct or attempt to conduct a poll;".

And,

On page 2, section 2, line 4, immediately following the word "a" by striking the first occurrence of the word "charitable" and inserting in lieu thereof "noncommercial".

And,

On page 3, section 2, line 11, immediately following the word "client" by striking the word "or".

And,

On page 3, section 2, line 20, by striking the letter "(A)".

And,

On page 3, section 2, line 20, immediately following the word "of" by striking "\$46A6F-201" and inserting in lieu thereof "\$46A-6F-201".

And,

On page 3, section 2, line 21, by striking "and (B) Exempt from taxation under § 501(c),(3), (4), or (6) of the Internal Revenue Code."

And,

On page 3, section 2, line 22, immediately following the word "code" by inserting the following:

“(7) a commercial telephone solicitation for polling, surveying, or soliciting the expression of ideas, opinions, and votes; or

(8) the communication is from a political campaign.”

And,

On page 3, section 3, line 3, by striking the words “selection or dialing” and inserting in lieu thereof “sequential or random generation”.

The bill was then 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:

**Com. Sub. for S. B. 354**, Relating to the WV Advanced Energy and Economic Corridor Authority,

**Com. Sub. for H. B. 5161**, To create a “digital wallet” to keep all certifications/licensure accrued by the person in one place,

**H. B. 5268**, Relating to the enhanced recovery of oil and natural gas in horizontal wells,

**Com. Sub. for H. B. 5286**, Eliminating the ability to sub-contract under Certificate of Need,

And,

**Com. Sub. for H. B. 5287**, Relating generally to traffic safety.

### **Leaves of Absence**

At the request of Delegate Householder, and by unanimous consent, leaves of absence for the day were granted Delegates Hanshaw (Mr. Speaker), Ridenour, Shamblin and Stephens.

### **Miscellaneous Business**

Prior to Third Reading, Delegate Green asked and obtained unanimous consent to be added as a cosponsor of Com. Sub. for H. B. 5057.

Delegate Howell submitted a Voice Vote Explanation card requesting that he be recorded as voting “Nay” on the adoption of the amendment offered by Delegates Ward, Gearheart, Linville and Hillenbrand to Com. Sub. for H. B. 4704.

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

**H. B. 4436**: Delegate Martin;

**H. B. 4911:** Delegate DeVault;

**H. B. 5067:** Delegate Forsht;

**H. B. 5181:** Delegate Martin;

**H. B. 5237:** Delegate DeVault;

**H. B. 5358:** Delegate Garcia;

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

**H. B. 5368:** Delegate Garcia;

And,

**H. B. 5527:** Delegate Kump;

At 2:40 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, February 9, 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**

**Friday, February 9, 2024**

**31st Day**

**11:00 A.M.**

### **THIRD READING**

- Com. Sub. for S. B. 318 - Modifying process of when parental rights are terminated
- S. B. 428 - Establishing appeals from administrative rulings are to be filed with Intermediate Court of Appeals
- S. B. 543 - Relating to research and economic development agreements for state institutions of higher education
- H. B. 4224 - Relating to performance metrics for the West Virginia Division of Highways
- Com. Sub. for H. B. 4233 - Non-binary not permitted on birth certificates
- Com. Sub. for H. B. 4758 - Creation of the Joint Oversight Committee on the Fusion Center
- Com. Sub. for H. B. 4845 - To prohibit swatting
- Com. Sub. for H. B. 5232 - The Business Liability Protection Act
- Com. Sub. for H. B. 5250 - Relating to combatting gift card fraud
- H. B. 5251 - Relating to the Telephone Consumer Protection Act
- H. B. 5252 - Requiring certain minimum experience for the director or coordinator of services class title involving school transportation.

### **SECOND READING**

- Com. Sub. for S. B. 354 - Relating to the WV Advanced Energy and Economic Corridor Authority
- S. B. 547 - Authorizing legislative rules for Higher Education Policy Commission
- Com. Sub. for H. B. 4786 - Delivery Network Company (DNC) Insurance Model Act
- Com. Sub. for H. B. 5161 - To create a "digital wallet" to keep all certifications/licensure accrued by the person in one place
- Com. Sub. for H. B. 5243 - Relating to Women's Bill of Rights

- H. B. 5268 - Relating to the enhanced recovery of oil and natural gas in horizontal wells
- Com. Sub. for H. B. 5286 - Eliminating the ability to sub-contract under Certificate of Need
- Com. Sub. for H. B. 5287 - Relating generally to traffic safety

### **FIRST READING**

- S. B. 171 - Prohibiting county commissions from adopting authorization that exceeds state law regarding agriculture operations
- Com. Sub. for H. B. 4782 - Preventing municipalities from targeting protected businesses with planning and zoning ordinances more restrictive than those placed upon other businesses.
- Com. Sub. for H. B. 4951 - To facilitate the interstate practice of School Psychology in educational or school settings
- Com. Sub. for H. B. 4986 - Relating to computer science and cybersecurity instruction for adult learners
- H. B. 5002 - To require at least 1 baby changing station to existing and future rest areas in this state for both male and female restrooms
- H. B. 5261 - Relating to the definition of small arms for purposes of taxation
- Com. Sub. for H. B. 5262 - Relating generally to teacher's bill of rights
- 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
- Com. Sub. for H. B. 5267 - Relating to the Deputy Sheriff Retirement System
- 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. 5273 - Relating to the Emergency Medical Services Retirement System and clarifying payment upon death of member with less than 10 years of contributory service
- Com. Sub. for H. B. 5295 - Authorizing a private outdoor designated area to simultaneously host multiple qualified permit holders
- Com. Sub. for H. B. 5326 - Relating to prohibition of unfair real estate service agreements
- H. B. 5343 - Relating to adding an athletic trainer to the Board of Physical Therapy

## **HOUSE CALENDAR**

**Friday, February 9, 2024**

**31st 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
- 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.

### **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
- H. B. 5237 - Prohibiting driving slow in left lane except under certain circumstances



# WEST VIRGINIA HOUSE OF DELEGATES

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**FRIDAY, FEBRUARY 9, 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  
9:00 A.M. – FINANCE COMMITTEE ROOM**

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

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

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