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January 31, 2023
TWENTY-FIRST DAY

Tuesday, January 31, 2023

TWENTY-FIRST DAY

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

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

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

The Clerk proceeded to read the Journal of Monday, January 30, 2023, 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 Jeffries announced that Com. Sub. for H. B. 2017 and H. B. 2510, on Second Reading, Special Calendar, had been transferred to the House Calendar.

Committee Reports

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

Your Committee on Government Organization has had under consideration:

H. B. 2768, To require all state entities and Chapter 30 boards to use “.gov” domains and e-mail addresses,

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

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

Your Committee on Government Organization has had under consideration:

H. B. 3091, Requiring counties provide fiscal information for State Auditor’s WV Checkbook website,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3091 - “A Bill to amend and reenact §6-9B-1, §6-9B-3, and §6-9B-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §6-9B-5 and §6-9B-6, all relating to requiring certain entities to provide information to the State Auditor for inclusion on the financial transparency website; requiring government agencies and counties to provide certain information to the State Auditor; providing that certain county financial information is to be included on the financial transparency website; requiring the State Auditor to make counties’ financial information publicly available on the financial transparency website; requiring counties to submit certain financial information to the

State Auditor; setting forth the information that counties are required to send; specifying when the information must be sent; requiring the State Auditor to publicly identify any county that fails to comply with certain requirements; granting the State Auditor the authority to promulgate legislative rules to implement the provisions of this article,”

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. 2941, To extend the end date of the State Advisory Council on Postsecondary Attainment Goals,

And reports the same back with the recommendation that it 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. 2942, Relating to revocation of school personnel certification,

And,

S. B. 130, Anti-Racism Act of 2023,

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. 2942 and S. B. 130) were each referred to the Committee on the Judiciary.

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. 2279, Relating to granting in-state resident status to economic development participants,

And,

H. B. 2828, Relating to WV teaching salaries,

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. 2279 and H. B. 2828) 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. 2598, Raising salaries for school service personnel,

And,

H. B. 2989, Relating to increasing the number of out-of-state medical students receiving in-state tuition rates who agree to practice for a specific time within West Virginia,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2598 and H. B. 2989) 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. 2380, Relating to School Building Authority,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2380 - "A Bill to repeal §18-9D-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-9A-10 of said code; and to amend and reenact §18-9D-2, §18-9D-3, §18-9D-4, §18-9D-6, §18-9D-7, §18-9D-8, §18-9D-9, §18-9D-13, §18-9D-15, and §18-9D-19 of said code, all relating to removing or revising obsolete, outdated, antiquated, inoperative, surplus or superseded provisions relating to defining terms; allowing funding directly to school construction fund instead of through school aid formula; removing references to regional education service agencies; removing authority to issue general obligation bonds; closing capital improvements fund and transferring funding to school construction fund; requiring authority to request appropriation; repealing authority to offer higher education savings plans; providing purposes and revenue sources for other funds and use of use of proceeds of bonds; and removing findings related to comprehensive high schools,"

And,

H. B. 2443, Relating to service employees with National Association for Pupil Transportation Certifications,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2443 - "A Bill to amend and reenact §18A-4-8 of the Code of West Virginia, 1931, as amended; and to further amend said code by adding thereto a new section, designated §18A-4-23, relating to providing minimum experience requirement for director or coordinator of services class title involving school transportation; providing eligibility for candidates for professional employee positions involving supervision of a county transportation

department; making any service employee who is certified as a Director or Supervisor of Pupil Transportation by the National Association for Pupil Transportation Certification; and requiring county boards to consider such candidates,”

With the recommendation that the committee substitutes each do pass.

Delegate Capito, 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. 2004, Prevent the use of payment card processing systems for surveillance of Second Amendment activity and discriminatory conduct,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2004 - “A Bill to amend and reenact §31A-2A-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §31A-2B-1; §31A-2B-2, §31A-2B-3, §31A-2B-4, §31A-2B-5, §31A-2B-6, §31A-2B-7, §31A-2B-8, §31A-2B-9, and §31A-2B-10, all relating generally to payment card transactions involving firearm, firearm accessory or component, and ammunition retailers; clarifying that financial records may not be disclosed or compelled to be disclosed in a manner that discriminates against certain constitutionally protected activity; providing a short title; setting forth legislative findings and intent; defining terms; prohibiting disclosure of protected financial information except in limited circumstances; allowing for written authorization for disclosure of protected financial information; establishing requirements for subpoenas of protected financial information; prohibiting use of protected financial information for certain discriminatory conduct; providing civil remedies for violation of new article with liquidated or compensatory damages; allowing an aggrieved party in a civil action to recover attorney’s fees and injunctive relief for violations; limiting defenses available to civil remedies; establishing a statute of limitations for civil remedies; providing that civil remedies are exclusive for violations; authorizing the Commissioner of Financial Institutions to enforce requirements subject to certain limitations; authorizing the State Treasurer to disqualify financial institutions from certain state contracts if violations have occurred; establishing the scope of new requirements; and providing a severability clause,”

H. B. 2007, Prohibiting certain medical practices,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2007 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-20; and to amend said code by adding thereto a new section, designated §30-14-17, all relating to prohibiting certain medical practices; providing definitions; providing that allopathic and osteopathic physicians may not provide irreversible gender reassignment surgery or gender altering medication as defined herein to a person who is under eighteen years of age; and providing criteria for certain limited exceptions to this rule,”

And,

H. B. 2008, Requiring local entities to enforce immigration laws,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2008 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-15-1, §15-15-2, §15-15-3, §15-15-4, §15-15-5, §15-15-6, §15-15-7, §15-15-8, §15-15-9, §15-15-10, and §15-15-11, all relating to requiring state entities, local entities and law enforcement agencies to cooperate with the enforcement of immigration laws; providing for definitions; requiring that entities and agencies not prohibit the enforcement of immigration laws or cooperation with other governmental agencies to enforce immigration laws; providing for complaint procedures; providing for mandatory duties regarding immigration detainees; providing for actions to ensure compliance; providing for ineligibility for state funds; providing for rulemaking authority for the State Auditor; providing for mandatory agreements; providing for the Attorney General to defend good-faith compliance under certain circumstances; providing for a civil cause of action for damages; providing for a duty to report and Whistle-Blower protections; providing for prohibiting discrimination; and providing for severability,”

With the recommendation that the committee substitutes each do pass.

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. 11, Relating to Higher Education Consortium for Emerging Energy Technologies,

And,

H. C. R. 13, Make 2nd week of February of every year a week of recognition of the Boy Scouts of America,

And reports the same back with the recommendation that they each be adopted.

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. 51 - “A Bill to amend and reenact §18-5-13a of the Code of West Virginia, 1931, as amended, relating to requiring an impact statement in certain instances of a school closing or consolidation; requiring, in instances where an impact statement is required, county board of education to give the impact statement substantial weight when making a decision on any proposal to close or consolidate a school; requiring State Board of Education rule detailing information that a county board is required to include as part of its impact statement; setting forth minimum requirements for the rule; and providing that amended provisions do not apply to projects currently in progress or approved by the county board of education”; which was referred to the Committee on Education.

A message from the Senate, by

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

S. B. 143, Relating to Adopt-A-Stream Program.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had concurred in the changed effective date, to take effect from passage, of

S. B. 231, Transferring administration of WV Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program to Department of Economic Development.

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. 239 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-31 relating to requiring the Commissioner of the Bureau for Behavioral Health to engage behavioral health providers, substance use disorder providers, municipal leaders, and county government leaders to study a breakdown of homeless demographic information throughout West Virginia; reporting the findings of the study to the President of the Senate, Speaker of the House of Delegates, and the Joint Committee on Government and Finance; and providing a date report is due"; which was referred to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources.

A message from the Senate, by

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

S. B. 241 - "A Bill to amend and reenact §16-62-2 of the Code of West Virginia, 1931, as amended, relating to making the investigation and enforcement of the Patient Brokering Act the responsibility of the Office of Health Facility Licensure and Certification (OHFLAC); and requiring OHFLAC to develop a tool to facilitate public complaints about the Patient Brokering Act"; which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

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

Com. Sub. for S. B. 243 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-53-4, relating to requiring substance use disorder inpatient providers to provide transportation to their patients"; which was referred to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources.

A message from the Senate, by

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

Com. Sub. for S. B. 248 - "A Bill to amend and reenact §30-1-10 of the Code of West Virginia, 1931, as amended, relating to when excess funds accumulated by boards are to be transferred to the General Revenue Fund of the State Treasury; providing for an alternative to the excess funds transfer; and providing for rulemaking"; 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. 251 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-34-1, relating to the display of the official motto of the United States in public elementary and secondary schools and in institutions of higher education"; which was referred to the Committee on Education then the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 258 - "A Bill to amend and reenact §46B-2-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §46B-3-8 of said code, all relating to the elimination of the maximum fair market value ceiling on consumer goods subject to the regulation of rent-to-own agreements provided for in this article; and permitting a dealer to require a security deposit for those items"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 270 - "A Bill to amend and reenact §61-12-9 of the Code of West Virginia, 1931, as amended, relating to adding an exemption to the permit requirement for cremation"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 271 - "A Bill to amend and reenact §29-32-2 of the Code of West Virginia, 1931, as amended, relating to modifying the approval process requirements for the First Responders Honor Board to allow for submission of nominations for consideration by the Legislature during other sessions of the Legislature, not just before first day of next regular legislative session"; which was referred to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 282 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-28, relating to safety in public schools; creating the West Virginia Guardian Program; setting out purpose of the program; allowing county school boards to contract for participation in the program; defining terms; setting out the authority of independent contractors participating in the program; providing for requirements for participation; providing exclusions from participation; setting forth a limitation of liability; providing the exemptions from purchasing requirements; and providing for exclusions from state benefit programs"; which was referred to the Committee on Education then the Judiciary.

A message from the Senate, by

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

S. B. 283 - "A Bill to amend and reenact §21A-2C-1, §21A-2C-2, §21A-2C-3, §21A-2C-4, §21A-2C-5, and §21A-2C-6 of the Code of West Virginia, 1931, as amended, all relating to renaming the act to the Military Incentive Program and extending this program to certain veterans, members of the West Virginia National Guard, and the reserve members of the United States; updating definitions; naming Work Force West Virginia as the only agency administering this program; and establishing rulemaking"; which was referred to the Committee on Veterans' Affairs and Homeland Security 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. 439 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-34-1, §22-34-2, §22-34-3, §22-34-4, and §22-34-5, all relating to establishing a design-build program for the Department of Environmental Protection; providing a short title; establishing a design-build pilot program; directing secretary to promulgate procedural rule to implement program; requiring secretary to follow rule implementing design-build program; establishing a process for invitation of bids from prequalified design-builders; providing for acceptance of bid and awarding contract; requiring report to Joint Committee on Government and Finance; and providing for sunset provision"; which was referred to the Committee on Energy and Manufacturing then Technology and Infrastructure.

Bills Introduced

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

By Delegates C. Pritt, Kelly, Capito, Summers, Espinosa, Hardy, Tully, Toney, Smith, Fehrenbacher and Mallow:

H. B. 2010 - "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting the full amount of social security benefits received pursuant to Title 42 U.S.C., Chapter 7 from personal income taxation, rather than the first \$50,000 for individuals or \$100,000 for couples"; to the Committee on Finance.

By Delegate Pushkin:

H. B. 3160 - "A Bill to amend and reenact §49-4-601b of the Code of West Virginia, 1931, as amended, relating to providing that records of Department of Health and Human Services of sustained and nonsustained allegations of child abuse or neglect are preserved; establishing timeframes for preservation depending on whether the allegations are sustained or not sustained and the severity of the degree of abuse or neglect"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Ross and Lucas:

H. B. 3161 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4, and §5-30-5, all relating to state recognition of Native American Tribes; defining terms; designating certain tribes as recognized by the state; establishing criteria for state recognition of additional tribes; authorizing unique trademarks for certain arts and crafts; prohibiting gambling and/or reservations; and providing

penalty for unauthorized use of trademark”; to the Committee on Government Organization then the Judiciary.

By Delegates Ross, Hanna and Keaton:

H. B. 3162 - “A Bill to amend and reenact §22-15-10 of the Code of West Virginia, 1931, as amended, relating to increasing the criminal penalty for littering and open dumping; and providing for a time to correct the offense”; to the Committee on the Judiciary.

By Delegates Summers and Tully:

H. B. 3163 - “A Bill to amend and reenact §48-1-205 of the Code of West Virginia, 1931, as amended; and to amend and reenact §48-13-301, §48-13-303, §48-13-403, §48-13-404, and §48-13-501 of said code; all relating generally to the child support guidelines and the Support Enforcement Commission; clarifying circumstances for attributed income; updating monthly basic child support obligations to reflect 2022 financial data; updating income amount requiring manual calculation to determine basic child support obligation; updating amount for the ability to pay calculation and self-support reserve; and amending the multiplier for extended shared parenting adjustment”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

By Delegates Summers and Tully:

H. B. 3164 - “A Bill to amend and reenact §16-5CC-3 of the Code of West Virginia of 1931, as amended, to extend the termination date of the West Virginia Advisory Council on Rare Diseases”; to the Committee on Health and Human Resources.

By Delegate Linville:

H. B. 3165 - “A Bill to amend and reenact §17A-10-8 of the Code of West Virginia, 1931, as amended, relating to vehicles exempt from payment of registration fees, by lowering the percentage of a service-connected disability required for exemption from 100 percent to 50 percent or greater; and, by adding recipients of the Distinguished Service Cross, Navy Cross, or Air Force Cross, to the list of persons who may receive such exemption”; to the Committee on Technology and Infrastructure then Finance.

By Delegates Summers and Tully:

H. B. 3166 - “A Bill to amend and reenact §27-5-2a of the Code of West Virginia, 1931, as amended, relating to a hospital holding a patient for a certain period of time”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Hanshaw (Mr. Speaker) and Hornbuckle

[By Request of the Executive]:

H. B. 3167 - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the State Board of Education – State Department of Education, fund 0313, fiscal year 2023, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

By Delegates Criss and Hanshaw (Mr. Speaker):

H. B. 3168 - “A Bill to amend and reenact §5B-2E-3, §5B-2E-5, §5B-2E-6, §5B-2E-7, and §5B-2E-7a of the Code of West Virginia, 1931, as amended; all relating to amending and modernizing the Tourism Development Act; providing a mechanism by which a project may amend the date by which it is to be complete; extending the applicable tax credit term from ten years to fifteen years; authorizing an additional ten-year term for companies to continue taking

authorized and outstanding tax credits; and making other technical corrections”; to the Committee on Economic Development and Tourism then Finance.

By Delegates Howell, Clark, Hornby, Thorne, Ferrell, Jeffries and W. Hall:

H. B. 3169 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, §11-13MM-3, and §11-13MM-4; and to amend said by adding thereto a new section designated §17-16A-29a; all relating to creating a Distribution Center Refundable Toll Payments Tax Credit Act; providing for use of RFID Tag Reader or comparable systems at qualified distribution centers to compile toll payments refundable as a tax credit; creating rules; and providing for an effective date”; to the Committee on Economic Development and Tourism then Finance.

By Delegates Clark, Hornby, C. Pritt, Thorne, Ferrell, Jeffries and W. Hall:

H. B. 3170 - “A Bill to amend and reenact §8-12-5 of the Code of West Virginia, 1931, as amended, relating to prohibiting municipalities in their permitting from charging other government entities for rights of way within municipal boundaries that are at least fifteen feet above ground level at their lowest point and does not apply to right-of-way under the jurisdiction of the Division of Highways”; to the Committee on Political Subdivisions then Technology and Infrastructure.

By Delegates Howell, Hott, Clark, Phillips, Linville, Cannon, Hornby, C. Pritt, Thorne, Ferrell and Jeffries:

H. B. 3171 - “A Bill to amend and reenact §30-1-7a of the Code of West Virginia, 1931, as amended, all relating to state boards of examination or registration; providing that continuing education credits shall be valid for three years; and providing that boards may choose to extend the amount of time credits may be valid, up to an additional three years”; to the Committee on Government Organization.

By Delegates Mallow, Fast, DeVault, C. Pritt, Adkins, Marple, Forsht and Miller:

H. B. 3172 - “A Bill to amend and reenact §59-1-11 of the Code of West Virginia, 1931, as amended, relating to prohibiting the practice of charging the full filing fee for every plaintiff listed in a civil action”; to the Committee on the Judiciary.

By Delegate C. Pritt:

H. B. 3173 - “A Bill to amend and reenact §60-6-2 of the Code of West Virginia, 1931, as amended, relating to permitting the manufacturing or distilling bourbon whiskey at a persons’ residence for consumption at that residence”; to the Committee on the Judiciary.

By Delegates Statler, Chiarelli, Warner, Walker and Hansen:

H. B. 3174 - “A Bill to amend and reenact §50-1-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §50-1-2a; and to amend and reenact §50-1-6 of said code, all relating to clarifying the number of magistrate judges in this state, and providing for an additional magistrate court judge in Monongalia County”; to the Committee on the Judiciary.

By Delegate C. Pritt:

H. B. 3175 - “A Bill to amend and reenact §48-22-201 of the Code of West Virginia, 1931, as amended, relating to venue for an adoption when a court had guardianship jurisdiction of a minor child”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

By Delegates Thorne, Horst, Longanacre, A. Hall, Dillon, DeVault and Howell:

H. B. 3176 - "A Bill to amend and reenact §61-8A-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §61-8A-6, all relating to prohibiting drag shows from being performed in front of minors and to prohibit drags shows in public places, such as schools and libraries"; to the Committee on Education then the Judiciary.

By Delegate Linville:

H. B. 3177 - "A Bill to amend and reenact §47-20-2 of the Code of West Virginia, 1931 as amended; and to amend and reenact §60-7-12 of said Code; all relating to charitable bingo and alcohol sales and consumption while such bingo is taking place; adding an exemption for the consumption or sale of alcohol at bingo games at a Veterans Service Organization; defining terms; and explicitly including a Veterans Service Organization as an entity which may conduct charitable bingo games"; to the Committee on Veterans' Affairs and Homeland Security then the Judiciary.

By Delegate Burkhammer:

H. B. 3178 - "A Bill to amend and reenact §5-10-20 of the Code of West Virginia, 1931, as amended, authorizing sheriffs who are members of the public retirement system to retire upon attaining the age of sixty-two with eight or more years of service"; to the Committee on Pensions and Retirement then Finance.

By Delegate Walker:

H. B. 3179 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §17C-6-1a, relating to signage for active work zones"; to the Committee on Technology and Infrastructure.

By Delegate Walker:

H. B. 3180 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-2D-1, §20-2D-2, §20-2D-3, and §20-2D-4, all relating to establishment of enacting the Wildlife Corridors Act; identifying and protecting wildlife corridors; requiring a Wildlife Corridors Action Plan that will provide comprehensive guidance to state agencies for identifying, prioritizing, and maintaining important areas for wildlife movement; providing powers and duties; directing that a list of priority projects be developed"; to the Committee on Agriculture and Natural Resources then Technology and Infrastructure.

By Delegate Walker:

H. B. 3181 - "A Bill to amend and reenact §62-1-2 of the Code of West Virginia, 1931, as amended, relating to dismissing a warrant or capias for arrest when charges against a person are dismissed"; to the Committee on the Judiciary.

By Delegates Heckert, Criss, Zatezalo, Crouse, Chiarelli, DeVault, W. Hall, Fehrenbacher, Cooper and Foggin:

H. B. 3182 - "A Bill to amend and reenact §27-5-1, §27-5-1b, §27-5-2, §27-5-2a, §27-5-4, and §27-5-10 of the Code of West Virginia, 1931, as amended, relating to clarifying the duties and responsibilities of mental health professionals in West Virginia; providing for a physician, psychologist, licensed professional counselor, licensed independent social worker, advanced nurse practitioner, physician assistant, or law enforcement officer to make an application for involuntary hospitalization; and providing for the Department of Health and Human Resources to provide transportation for individuals who require involuntary hospitalization"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Dillon, Ross, Ridenour and Longanacre:

H. B. 3183 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-11A-1, §16-11A-2, §16-11A-3, §16-11A-4, and §16-11A-5, all relating to limiting minors' access to gender reassignment surgery or hormone replacement therapy; prohibiting school representatives from providing counseling regarding gender or sexuality of students; prohibiting all public employees and institutions from distributing materials advocating a particular expression of sexuality or gender; providing that a parent, guardian, or other legal custodian of a child seeking hormone replacement therapy or gender reassignment surgery may not substitute his or her consent for that of the child; providing restrictions on physicians using telehealth services in this state; providing that upon reaching 18 years of age a person may be eligible for gender reassignment surgery or hormone replacement therapy; and providing criminal penalties for any person found guilty of crimes sufficient to be placed on a state sex offender's database shall be permitted to attend any public school function or athletic event, regardless of participation by the offender's own children"; to the Committee on the Judiciary.

By Delegates Dillon, Foggin, Kirby, Ross, Butler and Longanacre:

H. B. 3184 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §16-29A-1, relating to creating the Medical Information Confidentiality and Anti-Discrimination Act"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Dillon, Longanacre, Butler and Ross:

H. B. 3185 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §3-1D-1, §3-1D-2, and §3-1D-3; and to amend and reenact §7-1-1b of said code, all relating to the 'Transparency in Government Act'; requiring all candidates for election to public office make public their party affiliation or lack of party affiliation; prohibiting a public board or office from being comprised of a majority of individuals of relation closer than first cousin; providing a process for a public board or office in that the election results violate the prohibition; prohibiting an individual hold the office of County Commissioner be employed by county in any other capacity; and requiring no person be hired under the immediate supervision of a close relation"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Linville and Worrell:

H. B. 3186 - "A Bill to repeal section eight, chapter 26, Acts of the Legislature, regular session, 1925 (municipal charters), as last amended by chapter 175, Acts of the Legislature, regular session 1991; and to amend and reenact section seven, chapter 26, Acts of the Legislature, regular session, 1925 (municipal charters), as last amended by chapter 175, Acts of the Legislature, regular session 1991, all relating to powers of the Greater Huntington Parks and Recreation District, property tax imposed by Greater Huntington Park and Recreation District Board; providing for limitation of the area in which such tax may be levied to be the municipal limits of the City of Huntington and repealing all police power of the Greater Huntington Parks and Recreation District"; to the Committee on Political Subdivisions then Finance.

By Delegates Linville, Chiarelli, Keaton, Cannon, Ferrell, Crouse, Worrell, Horst, Willis and Warner:

H. B. 3187 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-8-12a, relating to the requirements imposed on social media companies to prevent corruption and provide transparency of election-related content made available on social media websites; providing for equal opportunities for all candidates and political parties to speak without policy or partisan-based censorship; and to uphold the integrity of elections by ensuring election-related content hosted, posted, and made available on social

media websites is not monetized or otherwise used or manipulated for nefarious purposes”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Linville, Tully, Summers, Young and Maynor:

H. B. 3188 - “A Bill to amend the Code of West Virginia, 1931, as amended; by adding thereto a new article, designated §15-3F-1, §15-3F-2, §15-3F-3, §15-3F-4, §15-3F-5 and §15-3F-6 of said code, all relating to the establishment of an alert system for missing cognitively impaired persons; providing for the use of video image recording devices for search purposes during a Purple Alert; providing legislative findings; providing criteria for the activation of a Purple Alert; providing for notice and broadcasting of a Purple Alert; and providing immunity for individuals providing information pursuant to a Purple Alert in good faith”; to the Committee on the Judiciary.

By Delegates Riley, Hansen, Westfall, Clark, Horst, Hanshaw (Mr. Speaker), Hornby, Steele, Storch, Hardy and Hillenbrand:

H. B. 3189 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding four new sections, designated §22-11C-1, §22-11C-2, §22-11C-3, and §22-11C-4, all relating to identifying and abating health risks of perfluoroalkyl and polyfluoroalkyl substances discharged into source waters used for public drinking water; providing legislative findings; providing definitions; requiring the Department of Environmental Protection to write PFAS action plans to identify and address sources of PFAS for certain public water systems; requiring facilities using certain PFAS chemicals to monitor and report their use; setting forth other duties of those facilities; requiring the Secretary of the Department of Environmental Protection to propose updates to the numeric Public Water Supply human health criteria; and requiring necessary the Department of Environmental Protection to implement permit modifications and legislative rule-making to effectuate the provisions herein”; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegate Steele:

H. B. 3190 - “A Bill to amend and reenact §61-8A-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-14-1 of said code, all relating to the definition of minor being amended to be an individual that is less than the age 18, or purported to be less than the age of 18”; to the Committee on the Judiciary.

By Delegates Summers and Tully:

H. B. 3191 - “A Bill to amend and reenact §16-5B-1 of the Code of West Virginia, 1931, as amended, relating to requiring licensure for certain health facilities operated by the state and defining terms”; to the Committee on Health and Human Resources.

By Delegates Ellington, Chiarelli, Willis, Hornby, Summers and Tully:

H. B. 3192 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-16-6; to amend and reenact §18C-3-4 of said code; to repeal §30-7A-7a of said code; and to repeal §30-7B-1, §30-7B-2, §30-7B-3, §30-7B-4, §30-7B-5, §30-7B-6, and §30-7B-7 of said code, all relating to abolishing the center for nursing; repealing the supplemental licensure fee for licensed practical nurses, which funds the center for nursing; moving the functions of the center for nursing to the Higher Education Policy Commission; and clarifying that licensed nurses in a bridge program are eligible for the nursing scholarship from the beginning of their programs”; to the Committee on Education then Finance.

By Delegates Mallow, DeVault, Adkins, Marple, Forsht and Miller:

H. B. 3193 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to damages for medical monitoring; providing that

increased risk of disease is not a compensable basis for damages or other relief in any civil action; and establishing requirements for an order for payment of medical monitoring expenses”; to the Committee on the Judiciary.

By Delegate C. Pritt:

H. B. 3194 - “A Bill to amend and reenact §49-1-201 of the Code of West Virginia, 1931, as amended, relating to redefining neglect to allow a parenting style that focuses on allowing children a certain amount of independence, referred to as ‘free range parenting,’ and establishing that activity is not considered neglect”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

By Delegate McGeehan:

H. B. 3195 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-1F-1, §5-1F-2, and §5-1F-3; to amend and reenact §29-6-7 of said code; and to amend said code by adding thereto a new section, designated §29-6-23a, all relating to the management of personal service appropriations for vacant positions; providing for findings; providing for the transfer of appropriations for vacant positions; providing for a transfer of appropriations in a state of emergency; and providing for an annual report”; to the Committee on Government Organization then Finance.

By Delegates C. Pritt, Cannon, Chiarelli, Keaton, Kirby, Martin, E. Pritt, Hanna, Fast and Shamblin:

H. B. 3196 - “A Bill to amend and reenact §19-23-3, §19-23-7 and §19-23-12b of the Code of West Virginia, 1931, as amended; to amend and reenact §29-22A-3, §29-22A-7 and §29-22A-12 of said code; and to amend and reenact §29-22C-3, §29-22C-8 and §29-22C-10 of said code, all relating to dog racing requirements; modifying certain definitions; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates to qualify for such a license; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates to contract to receive telecasts and accept wagers; providing that a dog racetrack is required to hold a racing license to conduct simulcast racing regardless of whether the racetrack continues to conduct live dog racing; authorizing the West Virginia Racing Commission to promulgate rules, including emergency rules, regarding licensure of dog racetracks conducting only simulcast racing; eliminating the requirement that a video lottery licensee at a dog track must hold a racing license to renew a video lottery license or racetrack table games license; permitting a dog racetrack to continue to operate operational video lottery and racetrack table games in a location where live racing was previously conducted; and eliminating the requirement that a racetrack table games licensee at a dog racetrack must race a minimum number of dates”; to the Committee on the Judiciary then Finance.

By Delegate McGeehan:

H. B. 3197 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-7A-1, §4-7A-2, §4-7A-3, §4-7A-4, §4-7A-5, §4-7A-6, and §4-7A-7, relating generally to creating the Legislative Infrastructure Commission; its composition; appointment of commission members; filling of vacancies on commission; election of commission officers; compensation and expenses of commission members; powers and duties of commission generally; providing for the creation of the Legislative Infrastructure Commission Economic Enhancement Grant Fund; establishing regulations for the fund; establishing a matching grant subaccount; providing a purpose for the fund and the subaccount; authorizing the Legislative Infrastructure Commission to enter into certain grant agreements; allowing for an audit process; providing article is not authority to create state debt; and severability”; to the Committee on Government Organization then Finance.

Special Calendar**Third Reading**

Com. Sub. for S. B. 83, Authorizing tactical medical professionals to carry firearms; 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. 48**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Hardy, Householder and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 83) passed.

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

S. B. 132, Clarifying criminal offense of harassment; 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. 49**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Hardy, Householder and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 132) passed.

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

S. B. 132 – “A Bill to amend and reenact §61-2-9a of the Code of West Virginia, 1931, as amended, relating to clarifying the criminal offense of harassment; and clarifying that stalking and harassment are separate crimes.”

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. 2436, Relating to the implementation of an acuity-based patient classification system; 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. 50**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Keaton.

Absent and Not Voting: Bridges, Hardy, Householder and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2436) 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. 2509, Creating the Uniform Premarital Agreement Act; 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. 51**), and there were—yeas 92, nays 4, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Chiarelli, Dillon, Keaton and McGeehan.

Absent and Not Voting: Bridges, Hardy, Householder and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2509) 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. 2569, Establishing the Motorsport Responsibility Act; 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. 52**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Hardy, Householder and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2569) 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. 2835, Repeal outdated provisions of code relating to the West Virginia graduate college and Marshall University; 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. 53**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Hardy, Householder and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2835) passed.

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

H. B. 2835 – “A Bill to repeal §18B-1-8b of the Code of West Virginia, 1931, as amended, relating to the repeal of an outdated section of code providing for the merger and consolidation of the West Virginia graduate college with Marshall University.”

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. 2850, Relating to students with exceptional needs; 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. 54**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Hardy, Householder and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2850) 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. 2890, Modifying student discipline; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

Delegates E. Pritt, Hornbuckle, Walker and Young moved to amend the bill on page 3, section 1, by striking out lines 49 through 51 in their entirety and inserting in lieu thereof, the following:

“If a student has been excluded from an individual classroom three or more times in one month and received an-out-of-school suspension due to the student’s conduct in that classroom, the principal may reassign the student from that classroom if a similar class of instruction is available for the student.”

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. 55**), and there were—yeas 18, nays 78, absent and not voting 4, with the yeas and the absent and not voting being as follows:

Yeas: Dittman, Fluharty, Garcia, Griffith, A. Hall, Hanna, Hansen, Hornbuckle, Kirby, Nestor, E. Pritt, Pushkin, Rowe, Skaff, Steele, Walker, Williams and Young.

Absent and Not Voting: Bridges, Hardy, Householder and Ross.

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

Delegates E. Pritt, Hornbuckle, Walker and Young moved to amend the bill on page 3, section 1, line 48, following the words “county school system”, by inserting a colon and the following proviso:

“Provided, That the provisions of this paragraph do not apply if the student is subject to a plan pursuant to Section 504 of the United States Rehabilitation Act of 1973; an individual education plan, or a behavioral intervention plan”.

And,

On page 4, Section 1, line 78, following the words “this section:” by inserting the following:

“(1) ‘Behavioral intervention plan’ means a written improvement plan created for a student based on the outcome of a functional behavioral assessment. The functional behavioral assessment identifies the cause of a challenging behavior and identifies specific actions to take to improve or replace the challenging behavior;

(2) ‘Individualized education plan’ is a plan developed for a student with a disability and provides extra support and services for the student;”

And,

By renumbering the subsequent definitions in subsection (g) accordingly.

The question being on adoption of the amendment, the same was put and did not prevail.

Delegates E. Pritt, Hornbuckle, Walker and Young moved to amend the bill on page 3, section 1, line 45 following the words “instructional day.”, by inserting the following:

“The student upon removal shall receive active instruction by a teacher on the curriculum the student would have received if the student had not been removed from the classroom.”

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. 56**), and there were— yeas 17, nays 79, absent and not voting 4, with the yeas and the absent and not voting being as follows:

Yeas: Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Kirby, Nestor, Petitto, E. Pritt, Pushkin, Rowe, Skaff, Steele, Vance, Walker, Williams and Young.

Absent and Not Voting: Bridges, Hardy, Householder and Ross.

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

Delegates E. Pritt, Hornbuckle, Walker and Young moved to amend the bill on page 4, section 1, line 77, following the word “discipline.”, by inserting the following:

“Each county shall report aggregate statistics monthly to the state board on the following: the age, grade, sex, ethnicity and school of each student receiving in-school and out-of-school suspensions. These statistics shall be reported to the state board monthly and provided to the Legislative Oversight Commission on Education Accountability on a bi-annual basis.”

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. 57**), and there were—yeas 14, nays 82, absent and not voting 4, with the yeas and the absent and not voting being as follows:

Yeas: Fluharty, Garcia, Griffith, Hanna, Hansen, Hornbuckle, Petitto, E. Pritt, Pushkin, Rowe, Skaff, Walker, Williams and Young.

Absent and Not Voting: Bridges, Hardy, Householder and Ross.

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

Delegates E. Pritt, Hornbuckle, Walker and Young moved to amend the bill on page 3, section 1, line 45, following the words “in-school suspension.”, by inserting the following:

“After the second occurrence of disorderly conduct, an administrator shall establish a student assistance team to meet regarding the student to identify and develop a plan to address the student’s conduct.”

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. 58**), and there were—yeas 25, nays 71, absent and not voting 4, with the yeas and the absent and not voting being as follows:

Yeas: Dean, Dittman, Fluharty, Foggin, Garcia, Griffith, Hansen, Hillenbrand, Holstein, Hornbuckle, Keaton, Kirby, Marple, Nestor, Petitto, E. Pritt, Pushkin, Rowe, Skaff, Steele, Summers, Vance, Walker, Williams and Young.

Absent and Not Voting: Bridges, Hardy, Householder and Ross.

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

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

Delegate Kump moved the previous question, which demand was not sustained.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 59**), and there were—yeas 79, nays 16, absent and not voting 5, with the yeas and the absent and not voting being as follows:

Nays: Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Kirby, Nestor, E. Pritt, Pushkin, Rowe, Skaff, Steele, Vance, Walker, Williams and Young.

Absent and Not Voting: Bridges, Hardy, Householder, Martin and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2890) passed.

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

Second Reading

S. B. 207, Relating to state allocation of funding to regional councils; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for H. B. 2596, To modify when a nonresident student's transfer may be denied; on second reading, coming up in regular order, was read a second time.

Delegate Summers moved to amend the bill on page 4, section 16, line 84, after the word, "policy", by striking the comma, inserting period, and striking the remainder of the sentence.

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. 60**), and there were—yeas 52, nays 40, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Anderson, Barnhart, Capito, Chiarelli, Clark, Criss, Dean, Ellington, Fast, Ferrell, Foggin, Gearheart, A. Hall, W. Hall, Heckert, Hornby, Hott, Howell, Jeffries, Jennings, Kelly, Kump, Lucas, Maynor, Mazzocchi, Reynolds, Ridenour, Rohrbach, Shamblin, Sheedy, Smith, Statler, Thorne, Toney, Tully, Warner, Westfall, Willis, Zatezalo and Mr. Speaker.

Absent and Not Voting: Bridges, Hardy, Householder, Martin, McGeehan, Pinson, Ross and Storch.

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

The bill was then ordered to engrossment and third reading.

H. B. 2613, Relating to the administration of anesthetics; 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. 2870, Correcting a reference relating to siting certificates for certain electric generating facilities; 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. 3061, Relating to updating the authority of the Foster Care Ombudsman; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Steele and Summers, the bill was amended on page 2, section 101, line 30, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

“(c) (1) The Foster Care Ombudsman or his or her staff may not be compelled to testify or produce evidence in any judicial or administrative proceeding with respect to the identity of an individual providing information to the ombudsman as part of an official investigation, or the substance of that person’s report to the ombudsman as part of an official investigation. All memoranda, work product, notes, or case files developed and maintained as part of an official investigation of the Foster Care Ombudsman Office are confidential and are not subject to discovery, subpoena or other means of legal compulsion, and are not admissible as evidence in a judicial or administrative proceeding.

(2) The ombudsman may be compelled to provide testimony by a court or administrative body of competent jurisdiction related to any action carried out by the office that is unrelated to the substance of a specific official investigation, or reports submitted to the Legislative Oversight Commission on Health and Human Resources Accountability provided for in §9-5-27 and §49-9-102 of this code. Should the ombudsman be compelled to testify, provide evidence in discovery, respond to a subpoena, or otherwise divulge testimony or evidence in any judicial, administrative, or legislative proceeding, the ombudsman may not be compelled to provide testimony or evidence concerning the identity of any complainant or any individual providing information to the ombudsman as part of an official investigation, or the substance of any complaint or report unless the ombudsman should decline to exercise that privilege. The purpose of this provision is to ensure a level of confidentiality between the ombudsman and a person reporting to, complaining to, or providing other evidence to the ombudsman as part of an official investigation carried out by the office.

(3) Any objection by the ombudsman to the disclosure of any testimony, documentary, or physical evidence shall be reviewed by the presiding official of such tribunal, in camera, upon the request of the ombudsman, and the presiding official shall prevent the disclosure of the identity of any complainant, witness, or reporter as well as the substance of their complaint, testimony, or report.”

The bill was then ordered to engrossment and third reading.

First Reading

The following bill on first reading, coming up in regular order, was read a first time and ordered to second reading:

Com. Sub. for H. B. 2832, Clarifying appropriate and inappropriate duties for school counselors while also providing the definition of a school counselor.

Leaves of Absence

At the request of Delegate Jeffries, and by unanimous consent, leaves of absence for the day were granted Delegates Bridges, Hardy, Householder and Ross.

Miscellaneous Business

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

H. B. 2035: Delegate Honaker, Longanacre, Phillips and Pushkin:

H. B. 2062: Delegates Linville and Riley;

H. B. 2380: Delegate Toney;

H. B. 2540: Delegates Espinosa and Rowe;

H. B. 2621: Delegate Hott;

H. B. 2828: Delegates Hornbuckle and Toney;

H. B. 2941: Delegate Toney;

H. B. 2989: Delegates Chiarelli, Dittman, Foggin, Hall, Hornbuckle, Hornby, Lucas, Mazzocchi, Toney and Walker;

H. B. 3110: Delegate Heckert;

H. B. 3160: Delegate Kump;

And,

H. B. 3165: Delegate Kump.

At 1:22 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, February 1, 2023.

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

SPECIAL CALENDAR

Wednesday, February 1, 2023

22nd Day

11:00 A. M.

UNFINISHED BUSINESS

- H. C. R. 11 - Relating to Higher Education Consortium for Emerging Energy Technologies
- H. C. R. 13 - Make 2nd week of February of every year a week of recognition of the Boy Scouts of America

THIRD READING

- S. B. 207 - Relating to state allocation of funding to regional councils (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2596 - To modify when a nonresident student's transfer may be denied (ELLINGTON) (REGULAR)
- H. B. 2613 - Relating to the administration of anesthetics (SUMMERS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2870 - Correcting a reference relating to siting certificates for certain electric generating facilities (ANDERSON) (REGULAR)
- Com. Sub. for H. B. 3061 - Relating to updating the authority of the Foster Care Ombudsman (SUMMERS) (EFFECTIVE FROM PASSAGE)

SECOND READING

- Com. Sub. for H. B. 2832 - Clarifying appropriate and inappropriate duties for school counselors while also providing the definition of a school counselor (ELLINGTON) (REGULAR)

FIRST READING

- Com. Sub. for H. B. 2004 - Prevent the use of payment card processing systems for surveillance of Second Amendment activity and discriminatory conduct (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2007 - Prohibiting certain medical practices (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2008 - Requiring local entities to enforce immigration laws (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2380 - Relating to School Building Authority (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2443 - Relating to service employees with National Association for Pupil Transportation Certifications (ELLINGTON) (REGULAR)

- H. B. 2768 - To require all state entities and Chapter 30 boards to use “.gov” domains and e-mail addresses (PHILLIPS) (REGULAR)
- H. B. 2941 - To extend the end date of the State Advisory Council on Postsecondary Attainment Goals (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 3091 - Requiring counties provide fiscal information for State Auditor’s WV Checkbook website (PHILLIPS) (REGULAR)

HOUSE CALENDAR

Wednesday, February 1, 2023

22nd Day

11:00 A. M.

SECOND READING

Com. Sub. for H. B. 2017 - Relating to service of process in child abuse cases (CAPITO)
(REGULAR)

H. B. 2510 - To establish the Rare Earth Element and Critical Mineral
Investment Tax Credit Act (HOWELL) (EFFECTIVE FROM PASSAGE)

**WEST VIRGINIA
HOUSE OF DELEGATES**

WEDNESDAY, FEBRUARY 1, 2023

HOUSE CONVENES AT 11:00 A.M.

**FIRE DEPARTMENTS AND EMERGENCY MEDICAL SERVICES
9:00 AM – ROOM 460-M**

**POLITICAL SUBDIVISIONS
9:15 AM – ROOM 410-M**

**VETERANS' AFFAIRS AND HOMELAND SECURITY
10:00 AM – ROOM 215-E**

**COMMITTEE ON FINANCE
1:00 PM – ROOM 460-M**

**COMMITTEE ON THE JUDICIARY
1:00 PM – ROOM 410-M**

**COMMITTEE ON EDUCATION
2:00 PM – ROOM 432-M**

**COMMITTEE ON GOVERNMENT ORGANIZATION
3:00 PM – ROOM 215-E**

THURSDAY, FEBRUARY 2, 2023

PUBLIC HEARING

**COMMITTEE ON THE JUDICIARY
9:00 AM – HOUSE CHAMBER**

COM. SUB. FOR H. B. 2007, PROHIBITING CERTAIN MEDICAL PRACTICES.

PUBLIC HEARING

**COMMITTEE ON FINANCE
2:00 PM – HOUSE CHAMBER**

**H. B. 2883, MAKING A SUPPLEMENTAL APPROPRIATION FROM THE CORONAVIRUS STATE FISCAL
RECOVERY FUND.**

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