

West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Sixth Legislature
First Regular Session

Held at Charleston
Published by the Clerk of the House



February 8, 2023
TWENTY-NINTH DAY

Wednesday, February 8, 2023

TWENTY-NINTH 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 Tuesday, February 7, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Energy and Manufacturing has had under consideration:

H. B. 3294, Ensuring future economic development with limitations, excise tax, and registration requirements of carbon offset agreements,

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. 3294) was referred to the Committee on Finance.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 2822, Relating to the consumers sales and service tax and returning the refundable exemption for sales of construction and maintenance materials acquired by a second party for use in Division of Highways projects,

And,

H. B. 3165, Relating to vehicles exempt from payment of registration fees for certain veterans,

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. 2822 and H. B. 3165) were each referred to the Committee on Finance.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 2955, Relating to the establishment and operation of regional water, wastewater and stormwater authorities,

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. 2955) was referred to the Committee on Government Organization.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 2899, To repeal two sections of code that was only in effect for a 12 month period during 1983,

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

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 3268, Add protections for WV residents who reside out of state for certain time periods from non-renewal of licenses and registration,

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

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 3111, Creating Infrastructure Ready Jurisdictions,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3111 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2N-1 §5B-2N-2, and §5B-2N-3, relating to establishing Infrastructure Ready Jurisdictions; establishing the requirement for this designation; establishing rulemaking for these Infrastructure Ready Jurisdictions for the Department of Economic Development; awarding an additional five percent preferential scoring for entities on projects within these jurisdictions on all permissible grants; and providing that this is not available within an uncertified municipality even if the surrounding county or counties are certified,"

With the recommendation that the committee substitute do pass.

Delegate Barnhart, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

S. B. 146, Modifying regulations of peer-to-peer car sharing 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 (S. B. 146) was referred to the Committee on the Judiciary.

Delegate Nestor, 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. J. R. 20, Right to Farm and Ranch Amendment,

And reports the same back, with amendment, with the recommendation that it be adopted, 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. J. R. 20) was referred to the Committee on the Judiciary.

Delegate Nestor, 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. 3122, Permitting certain types of rifles using an encapsulated propellant charge that loads from the breech,

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

In accordance with the former direction of the Speaker, the bill (H. B. 3122) was referred to the Committee on the Judiciary.

Delegate Barnhart, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 3272, Relating to the operation of private trust companies in West Virginia,

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

In accordance with the former direction of the Speaker, the bill (H. B. 3272) was referred to the Committee on the Judiciary.

Delegate Storch, Chair of the Committee on Pensions and Retirement, submitted the following report, which was received:

Your Committee on Pensions and Retirement has had under consideration:

H. B. 2283, Relating to authorized expenditures of revenues from certain state funds for fire departments,

H. B. 2292, Continuing personal income tax adjustment to gross income of certain retirees receiving pensions from defined pension plans,

H. B. 2900, Relating to the Deputy Sheriff Retirement System,

And,

H. B. 3148, Relating to financing municipal policemen's and firemen's pension and relief funds,

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. 2283, H. B. 2292, H. B. 2900 and H. B. 3148) were each referred to the Committee on Finance.

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

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

H. B. 3092, Relating to in-state food service permit reciprocity,

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

Pursuant to House Rule 80, the Speaker referred the bill (H. B. 3092) to the Committee on Government Organization.

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

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

H. B. 3199, Relating to removing the requirement that an ectopic pregnancy be reported,

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

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

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

H. B. 3278, Relating to the practice of optometry,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3278 - "A Bill to amend and reenact §30-8-3, §30-8-6 and §30-8-9 of the Code of West Virginia, 1931, as amended, all relating to the practice of optometry; defining terms; removing obsolete areas of the code; and permitting a licensee to perform certain procedures trained by an approved by an accredited body,"

With the recommendation that the committee substitute 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 (Com. Sub. for H. B. 3278) was referred to the Committee on Government Organization.

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

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

H. B. 2075, To provide a means to classify when medications should be continued or stopped for patients,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2075 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-5-7, relating to requiring medication status information be provided to a patient's pharmacy when updating prescriptions or changing medications; and authorizing the Board of Pharmacy to propose a legislative rule,"

And,

H. B. 3306, Relating to the organizational structure of the Office of Drug Control Policy,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3306 - "A Bill to amend and reenact §16-5T-2 of the Code of West Virginia, 1931, as amended, relating to the organizational structure of the Office of Drug Control Policy; providing for the appointing of the director; and requiring the creation of a task force,"

With the recommendation that the committee substitutes each do pass.

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

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

H. B. 3307, Establishing the West Virginia-Ireland Trade Commission,

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

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

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

H. B. 3168, Ensuring investment in WV Tourism is competitive with other states and accessible long term,

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. 3168) was referred to the Committee on Finance.

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

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

H. B. 3095, Creating a Department of Economic Development grant program relating to agricultural vocational and technical training facilities at West Virginia schools,

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

In accordance with the former direction of the Speaker, the bill (H. B. 3095) was referred to the Committee on Education.

Delegate Martin, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 2782, Require all municipal elections be held on the same election day in November that other state elections are on,

And,

H. B. 2985, Relating to authorizing municipalities to establish outdoor refreshment areas for consumption of alcoholic beverages and non-intoxicating beer,

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 the Judiciary.

Pursuant to House Rule 80, the Speaker referred the bills (H. B. 2782 and H. B. 2985) to the Committee on Government Organization then the Judiciary.

Messages from the Executive and Other Communications

The Clerk announced that Com. Sub. for H. B. 2018, H. B. 2029 and H. B. 2506 were presented to the Governor on February 7, 2023.

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. 50 - "A Bill to amend and reenact §3-10-5 of the Code of West Virginia, 1931, as amended, relating to the filling of vacancies in the Legislature; and providing that an individual must reside within the district he or she would represent for one year prior to appointment in order to be eligible to fill a vacancy in the Legislature"; 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. 247 - "A Bill to amend and reenact §30-1-9 of the Code of West Virginia, 1931, as amended, relating to making administrative appeals and judicial review of board action subject to provisions of the Administrative Procedures Act"; 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

S. B. 296 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto the following new article, designated as §6-9C-1, §6-9C-2, §6-9C-3, §6-9C-4, §6-9C-5, §6-9C-6, §6-9C-7, §6-9C-8, §6-9C-9, and §6-9C-10, all relating to adopting the Model Public Meetings During Emergencies Act; setting forth a short title; defining terms; providing for virtual meetings; providing mechanism for authorization of virtual meetings; setting forth rules for, and conduct of virtual meetings; providing for public observation of, and public participation in, virtual meetings; providing for notice of virtual meetings; providing for rules governing same and exceptions; providing for procedural rules governing conduct of same; and establishing relation to the Electronic Signatures in Global and National Commerce Act"; 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

Com. Sub. for S. B. 361 - "A Bill to amend and reenact §64-9-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating generally to authorizing certain miscellaneous agencies and boards to promulgate legislative rules; authorizing the rules as filed and as modified Legislative Rule-Making Review Committee, and as amended by the Legislature; relating to authorizing the Board of Accountancy to promulgate a legislative rule relating to board rules of professional conduct; relating to authorizing the Board of Acupuncture to promulgate a legislative rule relating to advertising by licensed acupuncturists; relating to authorizing the Board of Acupuncture to promulgate a legislative rule relating to standards of practice of acupuncture by licensed acupuncturists; relating to authorizing the Board of Acupuncture to promulgate a legislative rule relating to continuing education requirements; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to the West Virginia apiary rule; relating to

authorizing the Department of Agriculture to promulgate a legislative rule relating to schedule of charges for inspection services: fruit; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to noxious weeds; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to Grade "A" pasteurized milk; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to inspection of nontraditional, domesticated animals; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to hemp products; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to livestock care standards; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to farm-to-food bank tax credit; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to farmers markets; relating to authorizing the Athletic Commission to promulgate a legislative rule relating to administrative rules; relating to authorizing the Athletic Commission to promulgate a legislative rule relating to regulation of mixed martial arts; relating to authorizing the State Auditor to promulgate a legislative rule relating to standards for voluntary payroll deductions; relating to authorizing the Conservation Agency to promulgate a legislative rule relating to operation of West Virginia State Conservation Committee and conservation districts; relating to authorizing the Conservation Agency to promulgate a legislative rule relating to conservation district accounting and auditing standards; relating to authorizing the Board of Dentistry to promulgate a legislative rule relating to dental recovery networks; relating to authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to funeral director, embalmer, apprentice, courtesy card holders, and funeral establishment requirements; relating to authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to crematory requirements; relating to authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to a fee schedule; relating to authorizing the Board of Landscape Architects to promulgate a legislative rule relating to registration of landscape architects; relating to authorizing the Board of Medicine to promulgate a legislative rule relating to licensing of physicians and podiatric physicians and disciplinary procedures for applicants, licensees, and credential holders; relating to authorizing the Board of Medicine to promulgate a legislative rule relating to relating to licensure, practice requirements, disciplinary and complaint procedures, continuing education, physician assistants; authorizing the Board of Medicine to promulgate a legislative rule relating to collaborative pharmacy practice; relating to authorizing the Board of Medicine to promulgate a legislative rule relating to prohibiting sexual misconduct by health care practitioners; relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants; relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy; relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to the Uniform Controlled Substance Act; relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to Board of Pharmacy rules for registration of pharmacy technicians; relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to regulations governing pharmacy permit; relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to inspections; relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to the Donated Drug Repository Program; relating to authorizing the Psychologists to promulgate a legislative rule relating to code of conduct; relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to requirements for registration and licensure and conduct constituting professional misconduct; relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to advanced practice registered nurse licensure requirements; relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to limited prescriptive authority for nurses in advanced practice; relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to continuing education and competence; relating to authorizing the Board of Registered Professional Nurses to

promulgate a legislative rule relating to fees for services rendered by the board; relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to practitioner requirements for accessing the West Virginia Controlled Substance Monitoring Program database; relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to telehealth practice; requirements; definitions; relating to authorizing the Secretary of State to promulgate a legislative rule relating to early voting in-person satellite precincts; relating to authorizing the Secretary of State to promulgate a legislative rule relating to the Combined Voter Registration and Driver Licensing Fund; relating to authorizing the Secretary of State to promulgate a legislative rule relating to administrative procedures for the Nonpublic Funding for Election Administration Fund; relating to authorizing the State Treasurer to promulgate a legislative rule relating to enforcement of the Uniform Unclaimed Property Act; relating to authorizing the State Treasurer to promulgate a legislative rule relating to the Hope Scholarship Program; and relating to authorizing the State Treasurer to promulgate a legislative rule relating to Jumpstart Savings Program"; 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. 475 - "A Bill to amend and reenact §8-22-23a of the Code of West Virginia, 1931, as amended, relating to examinations for disability pensions; modifying examinations for disability pensions; and providing the oversight board discretion in the method of medical examinations of a member applying for disability benefits"; which was referred to the Committee on Pensions and Retirement then Finance.

Resolutions Introduced

The following resolutions were introduced and severally referred as follows:

By Delegate Westfall:

H. C. R. 21 – "Requesting the Division of Highways name bridge number 18-015/01-000.29 (18A193), (38.80947 -81.70504)), locally known as the Ripley Jr. High Bridge (CSWB), carrying CR 15/01 over Mill Creek, in Jackson County, the 'Michael Lee "Rube" Ruben Memorial Bridge"; to the Committee on Technology and Infrastructure then Rules

And,

By Delegate Hanshaw (Mr. Speaker):

H. C. R. 22 — Requesting the Division of Highways name a portion of Rt. 16, otherwise known as the 'Clay Highway' starting at the intersection of Rt. 16 and Fola Road and ending at the end of the bridge on Rt. 16 in Clay County, as the 'U.S. Army T/5 Doyle Bedell Taylor Memorial Bridge'; to the Committee on Technology and Infrastructure then Rules

Bills Introduced

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

By Delegate Hanshaw (Mr. Speaker):

H. B. 3329 - "A Bill to amend and reenact §51-2-1 of the Code of West Virginia, 1931, as amended, relating to creating judicial circuits and assigning the number of circuit judges in each circuit to be elected in the 2024 election"; to the Committee on the Judiciary.

By Delegate Hanshaw (Mr. Speaker):

H. B. 3330 - "A Bill to amend and reenact §51-2A-3 of the Code of West Virginia, 1931, as amended, relating to creating family court circuits and assigning the number of family court judges in each family court circuit to be elected in the 2024 election"; to the Committee on the Judiciary.

By Delegate Hanshaw (Mr. Speaker):

H. B. 3331 - "A Bill to amend and reenact §50-1-8, §50-1-9, and §50-1-9a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §50-1-9c; and to amend and reenact §51-2A-6 of said code, all relating generally to support staff in the family courts and magistrate courts of this state"; to the Committee on the Judiciary.

By Delegate Hanshaw (Mr. Speaker):

H. B. 3332 - "A Bill to amend and reenact §51-2-1 of the Code of West Virginia, 1931, as amended, relating to creating judicial circuits and assigning the number of circuit judges in each circuit to be elected in the 2024 election"; to the Committee on the Judiciary.

By Delegates Storch, Criss, Hardy, Capito, Kelly, Barnhart, Riley, Reynolds, Westfall, Willis and Fluharty:

H. B. 3333 - "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, and §11-13MM-3; all relating to creating a tax credit for taxes paid for a royalty interest"; to the Committee on Finance.

By Delegates Storch, Criss, Hardy, Capito, Barnhart, Riley, Fluharty, Kelly, Fast and Willis:

H. B. 3334 - "A Bill to amend and reenact §11-1C-10 of the Code of West Virginia, 1931, as amended, relating to valuation of industrial property and natural resources property by Tax Commissioner; providing that appraised value of the royalty interest may not exceed the average actual sale price of similarly situated and like royalty interests.; and that this subdivision shall be effective for all assessments made on or after July 1, 2022"; to the Committee on Energy and Manufacturing then Finance.

By Delegates Anderson, Heckert, Zatezalo, Street and Willis:

H. B. 3335 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-4-9c, relating to providing for enhanced damages for nonpayment of royalties due from oil, natural gas, or natural gas liquids production under the terms of a lease or other agreement"; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegate Riley:

H. B. 3336 - "A Bill to amend and reenact §5B-2-21 of the Code of West Virginia, 1931, as amended, relating to expanding the definition of sources of energy for high impact industrial plants and facilities to include power sources free of carbon dioxide emissions, or through sources utilizing carbon dioxide sequestration; to increase the certification of business districts from two to ten; and to modify the expiration date for the provisions of this section"; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegates Heckert, Fehrenbacher, Cooper, Foggin, Hott, Criss, Hanshaw (Mr. Speaker), Rohrbach, Petitto, A. Hall and Anderson:

H. B. 3337 - "A Bill to amend and reenact §16-2D-11 of the Code of West Virginia, 1931, as amended, relating to requiring a certificate of need; prohibiting additional drug and alcohol treatment facilities and services in a certain county"; to the Committee on Health and Human Resources.

By Delegates Mazzocchi, Hott, Brooks, Steele, Sheedy, Ridenour, Kimble, Warner and Longanacre:

H. B. 3338 - "A Bill to amend the Code of West Virginia, 1931, by adding thereto a new section, designated §60A-4-419, relating to creating the felony offense of possessing a firearm while in violation of certain offenses under the Uniform Controlled Substances Act; and imposing a mandatory indeterminate prison sentence"; to the Committee on the Judiciary.

By Delegates Mazzocchi, Chiarelli, Longanacre, Adkins, Hornby, Heckert, Street, Burkhammer, Fast and Clark:

H. B. 3339 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-7L-1, relating to material harmful to minors; providing for legislative intent; defining terms; providing for liability for the publishing or distribution of material harmful to minors on the internet through a private right of action together with damages, attorney fees and costs; providing for reasonable age verification; providing for liability for unlawful retention of personal identifying information together with liquidated damages, attorney fees and costs; providing for exceptions; providing an effective date; and providing for related matters"; to the Committee on Senior, Children, and Family Issues then the Judiciary.

By Delegates Hardy, Espinosa, Storch, Statler, Riley, Hott, Hite, Horst and Toney:

H. B. 3340 - "A Bill to amend and reenact §7-11B-3, §7-11B-7, §7-11B-8, §7-11B-9, and §7-11B-10 of the Code of West Virginia, 1931, as amended, all relating generally to property tax increment financing; amending definition of tax increment financing; modifying the existing authorization for a county commission or municipality to extend the termination time of certain districts; providing for certain notice to other levying bodies prior to a new project plan or project plan amendment for certain property tax districts being considered for approval; and eliminating certain approval of other levying bodies prior to amendment of an existing district by the county commission or governing body of the municipality making the amendment"; to the Committee on Finance.

By Delegates Maynor, Howell, Phillips, Lucas, Clark, Linville, Bridges, Crouse, Householder, Gearheart and Willis:

H. B. 3341 - "A Bill to amend the Code of West Virginia, as amended, by adding thereto a new section, designated §16-9A-11, relating to permitting cigar bars and cigar lounges to operate in West Virginia resorts; and providing for guidelines for resort cigar bars and lounges"; to the Committee on the Judiciary.

By Delegates Gearheart, Householder, Storch, Howell, Clark, Maynor, Riley, Kump, Ellington and Espinosa:

H. B. 3342 - "A Bill to amend and reenact §7-12-9a of the Code of West Virginia, 1931, as amended, relating to cooperation between municipal and county economic development authorities"; to the Committee on Economic Development and Tourism then Finance.

By Delegate Burkhammer:

H. B. 3343 - "A Bill to amend and reenact §18-5-7 of the Code of West Virginia, 1931, as amended, relating to requiring the demolition of former school buildings"; to the Committee on Education.

By Delegates Criss, Storch, Riley, Gearheart, Reynolds, Hott, Statler, Rowe, Espinosa, Anderson and Horst:

H. B. 3344 - "A Bill finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof"; to the Committee on Finance.

By Delegates Ferrell, Fehrenbacher, Mazzocchi, Storch, Dittman, W. Hall, Petitto, Chiarelli, Reynolds, Hite and Warner:

H. B. 3345 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §7-10-1a; to amend and reenact §7-10-2 and §7-10-4 of said code; to amend said code by adding thereto two new sections, designated §19-20-12a and §19-20-27; to amend and reenact §19-20-22 and §19-20-26; to amend and reenact §61-8-19 of said code; and to amend said code by adding thereto two new sections, designated §61-8-19d and §61-8-19e, all relating generally to providing increased protections for the welfare of domestic animals; requiring facilities for the care of stray, abandoned, and surrendered animals and providing for access by the public; defining terms; updating the duties of humane officers; defining an owner's duty of care for companion animals; requiring an owner to confine unspayed female dogs in estrus; requiring dog breeders to provide written disclosures to purchasers; specifying minimum levels of care to be provided by dog breeders; defining when a dog is unfit for sale by a dog breeder and providing remedies therefor; increasing the penalty for a second offence of cruelty to animals; defining the criminal offenses of unlawful confinement of domestic animals and hoarding of animals; establishing criminal penalties; and providing for mental health treatment in certain circumstances involving hoarding of animals"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Howell, Clark, Summers, Ellington, Tully, Gearheart, Maynor, Zatezalo, Skaff, Miller and Honaker:

H. B. 3346 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §27-18-1, §27-18-2, and §27-18-3, all relating to the creation of the Mental Hygiene Reform Act; providing for a short title; providing for legislative findings; providing for a new classification system; setting guidelines; and providing for regional commissioners to be appointed by the West Virginia Supreme Court"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Rowe, E. Pritt, Fast and C. Pritt:

H. B. 3347 - "A Bill to amend and reenact §5B-2-15 of the Code of West Virginia, 1931, as amended, relating to the Upper Kanawha Valley Resiliency and Revitalization Program by extending the program and adding representatives of communities in the area to the Council"; to the Committee on Government Organization.

By Delegates Rowe, Griffith, E. Pritt, Hansen, Pushkin and Walker:

H. B. 3348 - "A Bill to amend and reenact §18-9F-4 and §18-9F-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-9F-7a, all relating to requiring evaluation and construction of school ingress and egress assessments to improve school safety; the School Building Authority, in consultation with the State School Board, the School Safety and Security Administrator and the Department of

Homeland Security shall conduct an assessment of all existing school facilities and develop and distribute designs for upgrades to these existing facilities; directing counties to assist this evaluation; and to allow the funding mechanism established for school safety programs provided for in this article to fund these safety improvements”; to the Committee on Education then Finance.

By Delegates Rowe and E. Pritt:

H. B. 3349 - “A Bill to amend and reenact §30-29-14 of the Code of West Virginia, 1931, as amended, relating to assisting governmental units with training costs for certification of law enforcement officers; providing that uncertified law enforcement offices may perform limited duties for certain municipalities, with conditions thereto; and providing that Workforce West Virginia may fund or reimburse governmental units expenses and costs associated with training these officers”; to the Committee on Political Subdivisions then Finance.

By Delegates Rowe, Fluharty, Skaff, Williams, Garcia, Young, E. Pritt, Griffith, Hansen, Walker and Hornbuckle:

H. B. 3350 - “A Bill to amend and reenact §11-21-4e of the Code of West Virginia, 1931, as amended, relating to reducing the personal income tax to zero for those making \$80,000 or below”; to the Committee on Finance.

By Delegate Rowe:

H. B. 3351 - “A Bill to amend and reenact §11-21-4E of the Code of West Virginia, 1931, as amended, relating to reducing the personal income tax to zero for those making \$60,000 or below”; to the Committee on Finance.

By Delegate Rowe:

H. B. 3352 - “A Bill to amend and reenact §11-21-4E of the Code of West Virginia, 1931, as amended, relating to reducing the personal income tax to zero for those making \$40,000 or below”; to the Committee on Finance.

By Delegate McGeehan:

H. B. 3353 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-3d; to amend and reenact §5F-2-2 of said code; and to amend said code by adding thereto a new section, designated §31-15-6d; all relating to the limitations on the financial relationships with foreign entities that have values antithetical to those of the State of West Virginia”; to the Committee on Government Organization then the Judiciary.

Motions

Delegate Dean asked and obtained unanimous consent to be removed as a cosponsor of Com. Sub. for H. B. 3130.

Special Calendar

Third Reading

S. B. 241, Relating to Patient Brokering 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. 86**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Clark and Smith.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 241) passed.

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

S. B. 241 – “A Bill to amend and reenact §16-62-2 of the Code of West Virginia, 1931, as amended, relating to patient brokering; requiring a state agency to regulate patient brokering; and requiring the development of a tool to facilitate complaints.”

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

On this question, the yeas and nays were taken (**Roll No. 87**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Clark and Smith.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 241) takes effect from its passage.

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

Second Reading

Com. Sub. for H. B. 2002, Relating to providing support for families; on second reading, coming up in regular order, was read a second time.

Delegate Young moved to amend the bill on page 1, following the enacting clause by striking out the remainder of the bill and inserting in lieu thereof, the following:

“CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL; BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES, COMMISSIONS, OFFICES, PROGRAMS, ETC.

ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.

§5-16-7h. Required coverage for certain medical sterilization procedures.(a) The agency shall provide coverage for the cost of health care services pursuant to this article for the cost of the following health care services:

(1) A tubal ligation, bilateral salpingectomy or hysterectomy for female sterilization. For purposes of this section the term ‘tubal ligation’ shall mean a medical procedure that severs and ties the fallopian tubes to prevent pregnancy by blocking the passage of eggs from the ovaries to the uterus; the term ‘salpingectomy’ shall mean a surgical procedure where one or both of a woman’s fallopian tubes are removed; and the term ‘hysterectomy’ shall mean a surgery to remove a woman’s uterus; and

(2) A vasectomy for male sterilization. For purposes of this section the term ‘vasectomy’ shall mean a medical procedure that prevents the supply of sperm from entering the urethra by cutting and/or sealing the vas deferens tube that carries semen.

(b) The coverage for these health care services shall not require multiple office visits, waiting periods, or prior authorization prior to the delivery of health care services as set forth in this section.

(c) This section applies to all coverage issued by this agency delivered, issued for delivery, reissued, or extended in the state on and after January 1, 2024, or at any time thereafter when any term of the policy, contract, or plan is changed, or any premium adjustment is made.

CHAPTER 11. TAXATION.

ARTICLE 21. PERSONAL INCOME TAX.

§11-21-10a. ~~Credit for nonfamily adoption~~ Adoption tax credit.

§11-21-10a. ~~Credit for nonfamily adoption~~ Adoption tax credit.

A one time credit against the tax imposed by the provisions of this article shall be allowed as follows:

Nonfamily adoptions. — For nonfamily adoptions, the credit is equal to ~~\$4,000~~ \$5,000 which may be taken in the year of the adoption of each nonfamily child, whose age at adoption is under eighteen years. This credit may, at the option of the taxpayer, be taken over a period of three years.

For the purpose of this section and credit 'nonfamily adoptions' means adoptions of a child or children by a taxpayer or taxpayers who are not the father, mother, or stepparent of the child.

§11-21-16. West Virginia personal exemptions of resident individual.(a) *General.* — For any tax imposed under the provisions of this article with respect to any taxable year prior to January 1, 1983, a resident individual shall be allowed a West Virginia exemption of \$600 for each exemption for which he or she is entitled to a deduction for the taxable year for federal income tax purposes. With respect to any taxable year beginning on or after January 1, 1983, and prior to January 1, 1984, said exemption shall be \$700; with respect to any taxable year beginning on or after January 1, 1984, said exemption shall be \$800; and with respect to any taxable year beginning on or after January 1, 1987, said exemption shall be \$2,000. In addition, for tax years beginning on or after January 1, 2023, the resident individual shall be allowed a West Virginia exemption of \$2,000 for an unborn child of the resident individual. For purposes of this section, an 'unborn child' means a member of the species homo sapiens, at any stage of development, who is carried in the womb and is not aborted.

(b) *Husband and wife.* — If the West Virginia income taxes of a husband and wife are separately determined but their federal income tax is determined on a joint return, each of them shall be separately entitled, with respect to any taxable year prior to January 1, 1983, to a West Virginia exemption of \$600 for each federal exemption to which he or she would be separately entitled for the taxable year if their federal income taxes had been determined on separate returns. With respect to any taxable year beginning on or after January 1, 1983, and prior to January 1, 1984, said exemption shall be \$700; with respect to any taxable year beginning on or after January 1, 1984, said exemption shall be \$800; and with respect to any taxable year beginning on or after January 1, 1987, said exemption shall be \$2,000.

(c) *Surviving spouse.* — For taxable years beginning after December 31, 1986, a surviving spouse shall be allowed one additional exemption of \$2,000 for the two taxable years beginning after the year of death of the deceased spouse.

For purposes of this section and section twelve of this article, a surviving spouse means a taxpayer whose spouse died during the taxable year prior to the taxable year for which the annual return is being filed and who has not remarried at any time before the end of the taxable year for which the annual return is being filed.

(d) *Certain dependents.* — Notwithstanding any provisions in this section, for taxable years beginning after December 31, 1986, a resident individual whose exemption amount for federal tax purposes is zero by virtue of section 151(d)(2) of the Internal Revenue Code of 1986, shall be allowed a single West Virginia exemption in the amount of \$500.

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 5K. EARLY INTERVENTION SERVICES FOR CHILDREN WITH DEVELOPMENTAL DELAYS.

§16-5K-7. Early intervention services for adopted children.

(a) Effective July 1, 2023, a child or children adopted on and after that date whose adoptive parent or parents are residents of West Virginia shall be eligible for any early intervention services provided for families which may be offered by the Department of Health and Human Resources. These services shall include, but are not limited to, Right From the Start, Drug Free Moms and Babies, and Birth to Three.

(b) If an early intervention program has federal mandated eligibility requirements as a condition of the receipt of federal funds, an adoptive parent or parents and their newly adopted child or children may be required to meet those federally mandated eligibility requirements for participation in the program.

(c) The Department of Health and Human Resources shall recruit additional sites to expand the Drug Free Moms and Babies program and report back to the Legislature if additional funding becomes necessary to operate these sites.

(d) The Bureau for Medical Services shall seek approval of and implement a Medicaid state plan amendment to meet the requirements of this section if the program is offered through or funded by the state Medicaid program and a state Medicaid plan amendment would be necessary to effectuate the purposes of this section.

(e) Use of early intervention services are optional to an adoptive parent or parents and nothing in this section should be construed to require an adoptive parent or parents to use any early intervention service as provided in this section.

ARTICLE 58. FAMILY PLANNING ACCESS ACT.

§16-58-3. Authorization to dispense self-administered hormonal contraceptives.

(a) A pharmacist licensed under §30-5-1 *et seq.* of this code may dispense a self-administered hormonal contraceptive: (1) pursuant to a standing prescription drug order made in accordance

with ~~§16-57-4~~ §16-58-4 of this code without any other prescription drug order from a person licensed to prescribe a self-administered hormonal contraceptive; and (2) in accordance with the dispensing guidelines in ~~§16-57-6~~ §16-58-6 of this code; and (3) to a patient who is 18 years old or older. Provided, That prior to dispensing a contraceptive pursuant to this section to an unemancipated minor, the pharmacist shall receive authorization in person, in writing or by telephone from the parent, guardian or custodian of the unemancipated minor.

(b) All state and federal laws governing insurance coverage of contraceptive drugs, devices, products, and services shall apply to self-administered contraceptives dispensed by a pharmacist under a standing order pursuant to this section. §16-58-4. Standing prescription drug orders for a self-administered hormonal contraceptive.

(a) The state health officer ~~may~~ shall prescribe on a statewide basis a self-administered hormonal contraceptive by one or more standing orders in accordance with a protocol consistent with the United States Medical Eligibility Criteria for Contraceptive Use (MEC) Centers for Disease Control and Prevention, that requires:

(1) Use of the self-screening risk assessment questionnaire described below;

(2) Written and oral education;

(3) The timeline for renewing and updating the standing order;

(4) Who is eligible to utilize the standing order;

(5) The pharmacist to make and retain a record of each person to whom the self-administered hormonal contraceptive is dispensed, including:

(A) The name of the person;

(B) The drug dispensed; and

(C) Other relevant information.

(b) The state health officer acting in good faith in any act permitted or required by this article is immune from liability for any civil action arising out of any act or omission resulting from his or her actions related the prescribing of self-administered hormonal contraceptives unless the act or omission was the result of his or her gross negligence or willful misconduct. §16-58-6. Guidelines for dispensing a self-administered hormonal contraceptive.

(a) A pharmacist who dispenses a self-administered hormonal contraceptive under this article:

(1) Shall obtain a completed self-screening risk assessment questionnaire that has been approved by the state health officer in collaboration with the Board of Pharmacy, the Board of Osteopathic Medicine, and the Board of Medicine from the patient before dispensing the self-administered hormonal contraceptive;

(2) Shall notify the patient's primary care provider, if provided;

(3) If when dispensing within the guidelines it is unsafe to dispense a self-administered hormonal contraceptive to a patient then the pharmacist:

(A) May not dispense a self-administered hormonal contraceptive to the patient; and

(B) Shall refer the patient to a health care practitioner or local health department;

(4) May not continue to dispense a self-administered hormonal contraceptive to the patient for more than 12 months after the date of the initial prescription without evidence that the patient has consulted with a health care practitioner during the preceding 12 months; and

(5) Shall provide the patient with:

(A) Written and verbal information regarding:

(i) The importance of seeing the patient's health care practitioner to obtain recommended tests and screening; and

(ii) The effectiveness and availability of long-acting reversible contraceptives and other effective contraceptives as an alternative to self-administered hormonal contraceptives; and

(B) A copy of the record of the encounter with the patient that includes:

(i) The patient's completed self-assessment tool; and

(ii) A description of the contraceptives dispensed, or the basis for not dispensing a contraceptive.

(b) If a pharmacist dispenses a self-administered hormonal contraceptive to a patient, the pharmacist shall, at a minimum, provide the patient counseling regarding:

(1) The appropriate administration and storage of the self-administered hormonal contraceptive;

(2) Potential side effects and risks of the self-administered hormonal contraceptive;

(3) The need for backup contraception;

(4) When to seek emergency medical attention;

(5) The risk of contracting a sexually transmitted infection or disease, and ways to reduce the risk of contraction; and

(6) Any additional counseling outlined in the protocol as prescribed in ~~§16-57-4~~ §16-58-4 of this code.

(c) The Board of Pharmacy regulates a pharmacist who dispenses a self-administered hormonal contraceptive under this article.

§16-58-7. Dispensing and payment for hormonal and non-hormonal contraceptives.

(a) Beginning July 1, 2023, a local health department as set forth in §16-2-1 et seq. shall prescribe and dispense, as appropriate and medically indicated, both hormonal and non-hormonal contraceptives free of charge.

ARTICLE 63. SUPPORT FOR MOTHERS AND BABIES ACT.**§16-63-1. Definitions.**

The following terms are defined:

'Abortion Industry Organization' means any organization that performs, prescribes, refers for, encourages or promotes abortion as an option for a pregnant woman, or owns, operates, or manages a facility where abortions are performed and prescribed. The term 'Organization' means the entire legal entity, including any entity or affiliate that controls, is controlled by, or is under common control with such an entity.

'Pregnancy Help Organization' means an organization that seeks to provide a range of services to individuals facing an unintended pregnancy, with the intention of encouraging pregnant women to give birth to their unborn children. Pregnancy Help Organizations do not perform, prescribe, refer for or encourage abortion, as defined above, nor do they affiliate with any organization that performs, prescribes, refers for, or encourages abortion. Pregnancy Help Organizations include, but are not limited to, organizations traditionally known as 'crisis pregnancy organizations,' maternity homes, adoption agencies, and social services agencies that provide material support and other assistance to individuals facing an unintended pregnancy with the intent to help those individuals give birth to their unborn child.

'Management Agency' means an organization that contracts with the Bureau for Public Health, or department thereof to manage the Women and Babies Support Program.

'Subcontractor' means a Pregnancy Help Organization that contracts with the Management Agency to provide Pregnancy Support Program services to individuals.

§16-63-2. Establishing the West Virginia Mothers and Babies Pregnancy Support Program

(a) There is established the West Virginia Mothers and Babies Pregnancy Support Program under the Bureau for Public Health.

(b) The Commissioner of the Bureau for Public Health shall annually provide funding from the Bureau's budget to be distributed to Pregnancy Help Organizations.

(c) A Pregnancy Help Organization is eligible to receive funding under the Mothers and Babies Support Program, subject to meeting the standards defined by the Managing Agency.

(d) Organizations meeting the definition of an Abortion Industry Organization under this statute are specifically excluded from receiving funding under the Pregnancy Support Program.

(e) Funds distributed under the Mothers and Babies Support Program shall be distributed on a fee per service arrangement with a fee per service/hour arrangement as set by the Management Agency.

§16-63-3. Management Agency.

(a) The Bureau shall contract with one or more Management Agency that exclusively promote and support childbirth and are knowledgeable and supportive of Pregnancy Help Organization

operations to receive the funds and administer the Pregnancy Support Program, as the Program's Management Agency.

(b) The Management Agency may not perform, prescribe, refer for, advocate for, or encourage abortion; nor may they affiliate or hold any relationship with any Abortion Industry Organization or any entity that controls, is controlled by, or is under common control with an Abortion Industry Organization.

(c) The Management Agency shall be tasked with the following:

(1) Locating and advertising Program participation to Pregnancy Help Organizations within the state.

(2) Establishing qualification requirements for Pregnancy Help Organization participation which may include, but are not limited to:

(A) Adherence to the 'Commitment of Care and Competence,' as established by the Leadership Alliance of Pregnancy Care Organizations.

(B) Participation in trainings organized or led by the Management Agency.

(C) Maintaining policies and processes for child abuse reporting, medical emergencies, and/or addressing client complaints.

(D) Requiring a policy that Pregnancy Help Organizations abide by all applicable federal and state laws.

(E) Requiring annual evaluations of Pregnancy Help Organization staff and volunteers that interact with clients.

(F) Registration as a 501(c)(3) nonprofit organization.

(3) Establishing Invoicing and Reimbursement for Pregnancy Help Organizations receiving funding under the Pregnancy Support Program, including a fee or service schedule whereby costs for each service are set forth.

(4) Establishing statistical standards and other reporting requirements.

(5) Establishing an auditing procedure for Pregnancy Help Organizations to ensure financial and operational accountability.

(d) The Management Agency must enter into contracts with Pregnancy Help Organizations to operate as subcontractors for serving individuals under the Pregnancy Support Program.

CHAPTER 33. INSURANCE.

ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.

§33-15-4x. Required coverage for certain medical sterilization procedures.

(a) An insurance policy or plan issued by an insurer pursuant to this article that provides coverage for contraceptives health care services shall provide coverage for the cost of the following health care services:

(1) A tubal ligation, bilateral salpingectomy or hysterectomy for female sterilization. For purposes of this section the term 'tubal ligation' shall mean a medical procedure that severs and ties the fallopian tubes to prevent pregnancy by blocking the passage of eggs from the ovaries to the uterus; the term 'salpingectomy' shall mean a surgical procedure where one or both of a woman's fallopian tubes are removed; and the term 'hysterectomy' shall mean a surgery to remove a woman's uterus; and

(2) A vasectomy for male sterilization. For purposes of this section the term 'vasectomy' shall mean a medical procedure that prevents the supply of sperm from entering the urethra by cutting and/or sealing the vas deferens tube that carries semen.

(b) The coverage for these health care services shall not require multiple office visits, waiting periods, or prior authorization prior to the delivery of health care services as set forth in this section.

(c) The requirements of this section shall apply to all insurance policies issued by an insurer pursuant to this article delivered, issued for delivery, reissued, or extended in the state on and after January 1, 2024, or at any time thereafter when any term of the policy, contract, or plan is changed, or any premium adjustment is made.

ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.

§33-16-3ww. Required coverage for certain medical sterilization procedures.

(a) An insurance policy or plan issued by an insurer pursuant to this article that provides coverage for contraceptives health care services shall provide coverage for the cost of the following health care services:

(1) A tubal ligation, bilateral salpingectomy or hysterectomy for female sterilization. For purposes of this section the term 'tubal ligation' shall mean a medical procedure that severs and ties the fallopian tubes to prevent pregnancy by blocking the passage of eggs from the ovaries to the uterus; the term 'salpingectomy' shall mean a surgical procedure where one or both of a woman's fallopian tubes are removed; and the term 'hysterectomy' shall mean a surgery to remove a woman's uterus; and

(2) A vasectomy for male sterilization. For purposes of this section the term 'vasectomy' shall mean a medical procedure that prevents the supply of sperm from entering the urethra by cutting and/or sealing the vas deferens tube that carries semen.

(b) The coverage for these health care services shall not require multiple office visits, waiting periods, or prior authorization prior to the delivery of health care services as set forth in this section.

(c) The requirements of this section shall apply to all insurance policies issued by an insurer pursuant to this article delivered, issued for delivery, reissued, or extended in the state on and after January 1, 2024, or at any time thereafter when any term of the policy, contract, or plan is changed, or any premium adjustment is made.

ARTICLE 24. HOSPITAL SERVICE CORPORATIONS, MEDICAL SERVICE CORPORATIONS, DENTAL SERVICE CORPORATIONS AND HEALTH SERVICE CORPORATIONS.

§33-24-7x. Required coverage for certain medical sterilization procedures.

(a) A contract, plan or agreement issued by an insurer pursuant to this article that provides coverage for contraceptives health care services shall provide coverage for the cost of the following health care services:

(1) A tubal ligation, bilateral salpingectomy or hysterectomy for female sterilization. For purposes of this section the term 'tubal ligation' shall mean a medical procedure that severs and ties the fallopian tubes to prevent pregnancy by blocking the passage of eggs from the ovaries to the uterus; the term 'salpingectomy' shall mean a surgical procedure where one or both of a woman's fallopian tubes are removed; and the term 'hysterectomy' shall mean a surgery to remove a woman's uterus; and

(2) A vasectomy for male sterilization. For purposes of this section the term 'vasectomy' shall mean a medical procedure that prevents the supply of sperm from entering the urethra by cutting and/or sealing the vas deferens tube that carries semen.

(b) The coverage for these health care services shall not require multiple office visits, waiting periods, or prior authorization prior to the delivery of health care services as set forth in this section.

(c) The requirements of this section shall apply to all insurance policies issued by an insurer pursuant to this article delivered, issued for delivery, reissued, or extended in the state on and after January 1, 2024, or at any time thereafter when any term of the policy, contract, or plan is changed, or any premium adjustment is made.

ARTICLE 25. HEALTH CARE CORPORATIONS.

§33-25-8u. Required coverage for certain medical sterilization procedures.

(a) A contract, plan or agreement issued by an insurer pursuant to this article that provides coverage for contraceptives health care services shall provide coverage for the cost of the following health care services:

(1) A tubal ligation, bilateral salpingectomy or hysterectomy for female sterilization. For purposes of this section the term 'tubal ligation' shall mean a medical procedure that severs and ties the fallopian tubes to prevent pregnancy by blocking the passage of eggs from the ovaries to the uterus; the term 'salpingectomy' shall mean a surgical procedure where one or both of a woman's fallopian tubes are removed; and the term 'hysterectomy' shall mean a surgery to remove a woman's uterus; and

(2) A vasectomy for male sterilization. For purposes of this section the term 'vasectomy' shall mean a medical procedure that prevents the supply of sperm from entering the urethra by cutting and/or sealing the vas deferens tube that carries semen.

(b) The coverage for these health care services shall not require multiple office visits, waiting periods, or prior authorization prior to the delivery of health care services as set forth in this section.

(c) The requirements of this section shall apply to all insurance policies issued by an insurer pursuant to this article delivered, issued for delivery, reissued, or extended in the state on and after January 1, 2024, or at any time thereafter when any term of the policy, contract, or plan is changed, or any premium adjustment is made.

ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.

§33-25A-8x. Required coverage for certain medical sterilization procedures.

(a) A contract, plan or agreement issued by an insurer pursuant to this article that provides coverage for contraceptives health care services shall provide coverage for the cost of the following health care services:

(1) A tubal ligation, bilateral salpingectomy or hysterectomy for female sterilization. For purposes of this section the term 'tubal ligation' shall mean a medical procedure that severs and ties the fallopian tubes to prevent pregnancy by blocking the passage of eggs from the ovaries to the uterus; the term 'salpingectomy' shall mean a surgical procedure where one or both of a woman's fallopian tubes are removed; and the term 'hysterectomy' shall mean a surgery to remove a woman's uterus; and

(2) A vasectomy for male sterilization. For purposes of this section the term 'vasectomy' shall mean a medical procedure that prevents the supply of sperm from entering the urethra by cutting and/or sealing the vas deferens tube that carries semen.

(b) The coverage for these health care services shall not require multiple office visits, waiting periods, or prior authorization prior to the delivery of health care services as set forth in this section.

(c) The requirements of this section shall apply to all insurance policies issued by an insurer pursuant to this article delivered, issued for delivery, reissued, or extended in the state on and after January 1, 2024, or at any time thereafter when any term of the policy, contract, or plan is changed, or any premium adjustment is made.

CHAPTER 48. DOMESTIC RELATIONS.

ARTICLE 11. SUPPORT OF CHILDREN.

§48-11-101. General provisions relating to child support.

(a) It is one of the purposes of the Legislature in enacting this chapter to improve and facilitate support enforcement efforts in this state, with the primary goal being to establish and enforce reasonable child support orders and thereby improve opportunities for children. It is the intent of the Legislature that to the extent practicable, the laws of this state should encourage and require a child's parents to meet the obligation of providing that child with adequate food, shelter, clothing, education, and health and child care.

(b) When the domestic relations action involves a minor child or children, the court shall require either party to pay child support in the form of periodic installments for the maintenance of the minor children of the parties in accordance with support guidelines promulgated pursuant to article 13-101, *et seq.*, of this chapter. Payments of child support are to be ordinarily made from a party's income, but in cases when the income is not sufficient to adequately provide for those

payments, the court may, upon specific findings set forth in the order, order the party required to make those payments to make them from the corpus of his or her separate estate.

(c) A pregnant mother may seek child support from the father for her unborn child for up to the total cost of all direct pregnancy-related medical expenses. Once the child is born, the current child support law would take effect.

CHAPTER 49. CHILD WELFARE.

ARTICLE 4. COURT ACTIONS.

§49-4-405. Multidisciplinary treatment planning process involving child abuse and neglect; team membership; duties; reports; admissions.

(a) Within 30 days of the initiation of a judicial proceeding pursuant to ~~part six, of this article §49-4-601 of this code~~, the Department of Health and Human Services shall convene a multidisciplinary treatment team to assess, plan, and implement a comprehensive, individualized service plan for children who are victims of abuse or neglect and their families. The circuit court shall set aside one day each month to enable multidisciplinary treatment teams to meet. The multidisciplinary team shall obtain and utilize any assessments for the children or the adult respondents that it deems necessary to assist in the development of that plan.

(b) In a case initiated pursuant to ~~part six of this article §49-4-601 of this code~~, the treatment team consists of:

- (1) The child or family's case manager in the Department of Health and Human Resources;
- (2) The adult respondent or respondents;
- (3) The child's parent or parents, guardians, any co-petitioners, custodial relatives of the child, foster or preadoptive parents;
- (4) Any attorney representing an adult respondent or other member of the treatment team;
- (5) The child's counsel or the guardian ad litem;
- (6) The prosecuting attorney or his or her designee;
- (7) A member of a child advocacy center when the child has been processed through the child advocacy center program or programs or it is otherwise appropriate that a member of the child advocacy center participate;
- (8) Any court-appointed special advocate assigned to a case;
- (9) Any other person entitled to notice and the right to be heard;
- (10) An appropriate school official; ~~and~~
- (11) The managed care case coordinator;
- (12) The child placing agency case coordinator; and

~~(11)~~(13) Any other person or agency representative who may assist in providing recommendations for the particular needs of the child and family, including domestic violence service providers.

The child may participate in multidisciplinary treatment team meetings if the child's participation is deemed appropriate by the multidisciplinary treatment team. Unless otherwise ordered by the court, a party whose parental rights have been terminated and his or her attorney may not be given notice of a multidisciplinary treatment team meeting and does not have the right to participate in any treatment team meeting.

(c) Prior to disposition in each case which a treatment planning team has been convened, the team shall advise the court as to the types of services the team has determined are needed and the type of placement, if any, which will best serve the needs of the child. If the team determines that an out-of-home placement will best serve the needs of the child, the team shall first consider placement with appropriate relatives then with foster care homes, facilities or programs located within the state. The team may only recommend placement in an out-of-state facility if it concludes, after considering the best interests and overall needs of the child, that there are no available and suitable in-state facilities which can satisfactorily meet the specific needs of the child.

(d) The multidisciplinary treatment team shall submit written reports to the court as required by the rules governing this type of proceeding or by the court, and shall meet as often as deemed necessary but at least every three months until the case is dismissed from the docket of the court. The multidisciplinary treatment team shall be available for status conferences and hearings as required by the court.

(e) If a respondent or co-petitioner admits the underlying allegations of child abuse or neglect, or both abuse and neglect, in the multidisciplinary treatment planning process, his or her statements may not be used in any subsequent criminal proceeding against him or her, except for perjury or false swearing. §49-4-406. Multidisciplinary treatment process for status offenders or delinquents; requirements; custody; procedure; reports; cooperation; inadmissibility of certain statements.

(a) When a juvenile is adjudicated as a status offender pursuant to §49-4-711 of this code, the Department of Health and Human Resources shall promptly convene a multidisciplinary treatment team and conduct an assessment, utilizing a standard uniform comprehensive assessment instrument or protocol, including a needs assessment, to determine the juvenile's mental and physical condition, maturity and education level, home and family environment, rehabilitative needs and recommended service plan, which shall be provided in writing to the court and team members. Upon completion of the assessment, the treatment team shall prepare and implement a comprehensive, individualized service plan for the juvenile.

(b) When a juvenile is adjudicated as a delinquent or has been granted a pre-adjudicatory community supervision period pursuant to §49-4-708 of this code, the court, either upon its own motion or motion of a party, may require the Department of Health and Human Resources to convene a multidisciplinary treatment team and conduct an assessment, utilizing a standard uniform comprehensive assessment instrument or protocol, including a needs assessment, to determine the juvenile's mental and physical condition, maturity and education level, home and family environment, rehabilitative needs and recommended service plan, which shall be provided in writing to the court and team members. A referral to the Department of Health and Human Resources to convene a multidisciplinary treatment team and to conduct such an assessment

shall be made when the court is considering placing the juvenile in the department's custody or placing the juvenile out-of-home at the department's expense pursuant to §49-4-714 of this code. In any delinquency proceeding in which the court requires the Department of Health and Human Resources to convene a multidisciplinary treatment team, the probation officer shall notify the department at least 15 working days before the court proceeding in order to allow the department sufficient time to convene and develop an individualized service plan for the juvenile.

(c) When a juvenile has been adjudicated and committed to the custody of the Director of the Division of Corrections and Rehabilitation, including those cases in which the juvenile has been committed for examination and diagnosis, or the court considers commitment for examination and diagnosis, the Division of Corrections and Rehabilitation shall promptly convene a multidisciplinary treatment team and conduct an assessment, utilizing a standard uniform comprehensive assessment instrument or protocol, including a needs assessment, to determine the juvenile's mental and physical condition, maturity and education level, home and family environment, rehabilitative needs and recommended service plan. Upon completion of the assessment, the treatment team shall prepare and implement a comprehensive, individualized service plan for the juvenile, which shall be provided in writing to the court and team members. In cases where the juvenile is committed as a post-sentence disposition to the custody of the Division of Corrections and Rehabilitation, the plan shall be reviewed quarterly by the multidisciplinary treatment team. Where a juvenile has been detained in a facility operated by the Division of Corrections and Rehabilitation without an active service plan for more than 60 days, the director of the facility may call a multidisciplinary team meeting to review the case and discuss the status of the service plan.

(d)(1) The rules of juvenile procedure shall govern the procedure for obtaining any assessment of a juvenile, preparing an individualized service plan and submitting the plan and any assessment to the court.

(2) In juvenile proceedings conducted pursuant to §49-4-701 *et seq.* of this code, the following representatives shall serve as members and attend each meeting of the multidisciplinary treatment team, so long as they receive notice at least seven days prior to the meeting:

(A) The juvenile;

(B) The juvenile's case manager in the Department of Health and Human Resources or the Division of Corrections and Rehabilitation;

(C) The juvenile's parent, guardian or custodian;

(D) The juvenile's attorney;

(E) Any attorney representing a member of the multidisciplinary treatment team;

(F) The prosecuting attorney or his or her designee;

(G) The county school superintendent or the superintendent's designee;

(H) A treatment or service provider with training and clinical experience coordinating behavioral or mental health treatment; ~~and~~

(I) The managed care case coordinator; and

(J) Any other person or agency representative who may assist in providing recommendations for the particular needs of the juvenile and family, including domestic violence service providers. In delinquency proceedings, the probation officer shall be a member of a multidisciplinary treatment team. When appropriate, the juvenile case manager in the Department of Health and Human Resources and the Division of Corrections and Rehabilitation shall cooperate in conducting multidisciplinary treatment team meetings when it is in the juvenile's best interest.

(3) Prior to disposition, in each case in which a treatment planning team has been convened, the team shall advise the court as to the types of services the team has determined are needed and type of placement, if any, which will best serve the needs of the child. If the team determines that an out-of-home placement will best serve the needs of the child, the team shall first consider placement at facilities or programs located within the state. The team may only recommend placement in an out-of-state facility if it concludes, after considering the best interests and overall needs of the child, that there are no available and suitable in-state facilities which can satisfactorily meet the specific needs of the child. The multidisciplinary treatment team shall also determine and advise the court as to the individual treatment and rehabilitation plan recommended for the child for either out-of-home placement or community supervision. The plan may focus on reducing the likelihood of reoffending, requirements for the child to take responsibility for his or her actions, completion of evidence-based services or programs or any other relevant goal for the child. The plan may also include opportunities to incorporate the family, custodian or guardian into the treatment and rehabilitation process.

(4) The multidisciplinary treatment team shall submit written reports to the court as required by applicable law or by the court, shall meet with the court at least every three months, as long as the juvenile remains in the legal or physical custody of the state, and shall be available for status conferences and hearings as required by the court. The multidisciplinary treatment team shall monitor progress of the plan identified in subdivision (3) of this subsection and review progress of the plan at the regular meetings held at least every three months pursuant to this section, or at shorter intervals, as ordered by the court, and shall report to the court on the progress of the plan or if additional modification is necessary.

(5) In any case in which a juvenile has been placed out of his or her home except for a temporary placement in a shelter or detention center, the multidisciplinary treatment team shall cooperate with the state agency in whose custody the juvenile is placed to develop an after-care plan. The rules of juvenile procedure and §49-4-409 of this code govern the development of an after-care plan for a juvenile, the submission of the plan to the court and any objection to the after-care plan.

(6) If a juvenile respondent admits the underlying allegations of the case initiated pursuant to §49-4-701 through §49-4-725 of this code, in the multidisciplinary treatment planning process, his or her statements may not be used in any juvenile or criminal proceedings against the juvenile, except for perjury or false swearing.

§49-4-601. Petition to court when child believed neglected or abused; venue; notice; right to counsel; continuing legal education; findings; proceedings; procedure.

(a) *Petitioner and venue.* — If the department or a reputable person believes that a child is neglected or abused, the department or the person may present a petition setting forth the facts to the circuit court in the county in which the child resides, or if the petition is being brought by the department, in the county in which the custodial respondent or other named party abuser resides,

or in which the abuse or neglect occurred, or to the judge of the court in vacation. Under no circumstance may a party file a petition in more than one county based on the same set of facts.

(b) *Contents of Petition.* — The petition shall be verified by the oath of some credible person having knowledge of the facts. The petition shall allege specific conduct including time and place, how the conduct comes within the statutory definition of neglect or abuse with references to the statute, any supportive services provided by the department to remedy the alleged circumstances, and the relief sought. Each petition shall name as a party each parent, guardian, custodian, other person standing in loco parentis of or to the child allegedly neglected or abused and state with specificity whether each parent, guardian, custodian, or person standing in loco parentis is alleged to have abused or neglected the child.

(c) *Court action upon filing of petition.* — Upon filing of the petition, the court shall set a time and place for a hearing and shall appoint counsel for the child. When there is an order for temporary custody pursuant to this article, the preliminary hearing shall be held within ~~ten~~ 10 days of the order continuing or transferring custody, unless a continuance for a reasonable time is granted to a date certain, for good cause shown.

(d) *Department action upon filing of the petition.* — At the time of the institution of any proceeding under this article, the department shall provide supportive services in an effort to remedy circumstances detrimental to a child.

(e) *Notice of hearing.* —

(1) The petition and notice of the hearing shall be served by the sheriff's office, without additional compensation, upon both parents and any other guardian, custodian, or person standing in loco parentis, giving to the persons at least five days' actual notice of a preliminary hearing and at least ten days' notice of any other hearing.

(2) Notice shall be given to the department, any foster or pre-adoptive parent, and any relative providing care for the child.

(3) In cases where personal service within West Virginia cannot be obtained after due diligence upon any parent or other custodian, a copy of the petition and notice of the hearing shall be mailed to the person by certified mail, addressee only, return receipt requested, to the last known address of the person. If the person signs the certificate, service is complete and the certificate shall be filed as proof of the service with the clerk of the circuit court.

(4) If service cannot be obtained by personal service or by certified mail, notice shall be by publication as a Class II legal advertisement in compliance with ~~article three, chapter fifty-nine~~ §59-3-1 et seq. of this code.

(5) A notice of hearing shall specify the time and place of the hearings, the right to counsel of the child, parents, and other guardians, custodians, and other persons standing in loco parentis with the child and the fact that the proceedings can result in the permanent termination of the parental rights.

(6) Failure to object to defects in the petition and notice may not be construed as a waiver.

(f) *Right to counsel.* —

(1) In any proceeding under this article, the child shall have counsel to represent his or her interests at all stages of the proceedings.

(2) The court's initial order shall appoint counsel for the child, and for any parent, guardian, custodian, or other person standing in loco parentis with the child if such person is without retained counsel.

(3) The court shall, at the initial hearing in the matter, determine whether persons other than the child for whom counsel has been appointed:

(A) Have retained counsel; and

(B) Are financially able to retain counsel.

(4) A parent, guardian, custodian, or other person standing in loco parentis with the child who is alleged to have neglected or abused the child and who has not retained counsel and is financially unable to retain counsel beyond the initial hearing, shall be afforded appointed counsel at every stage of the proceedings.

(5) Under no circumstances may the same attorney represent both the child and another party. The same attorney may not represent more than one parent or custodian: *Provided*, That one attorney may represent both parents or custodians where both parents or custodians consent to this representation after the attorney fully discloses to the client the possible conflict and where the attorney advises the court that he or she is able to represent each client without impairing his or her professional judgment; if more than one child from a family is involved in the proceeding, one attorney may represent all the children.

(6) A parent who is a co-petitioner is entitled to his or her own attorney.

(7) The court may allow to each attorney appointed pursuant to this section a fee in the same amount which appointed counsel can receive in felony cases.

(8) The court shall, sua sponte or upon motion, appoint counsel to any unrepresented party if, at any stage of the proceedings, the court determines doing so is necessary to satisfy the requirements of fundamental fairness.

(g) *Continuing education for counsel.* — Any attorney representing a party under this article shall receive a minimum of eight hours of continuing legal education training per reporting period on child abuse and neglect procedure and practice. In addition to this requirement, any attorney appointed to represent a child must first complete training on representation of children that is approved by the administrative office of the Supreme Court of Appeals. The Supreme Court of Appeals shall develop procedures for approval and certification of training required under this section. Where no attorney has completed the training required by this subsection, the court shall appoint a competent attorney with demonstrated knowledge of child welfare law to represent the parent or child. Any attorney appointed pursuant to this section shall perform all duties required of an attorney licensed to practice law in the State of West Virginia.

(h) *Right to be heard.* — In any proceeding pursuant to this article, the party or parties having custodial or other parental rights or responsibilities to the child shall be afforded a meaningful opportunity to be heard, including the opportunity to testify and to present and cross-examine

witnesses. Foster parents, pre-adoptive parents, and relative caregivers shall also have a meaningful opportunity to be heard.

(i) *Findings of the court.* — Where relevant, the court shall consider the efforts of the department to remedy the alleged circumstances. At the conclusion of the adjudicatory hearing, the court shall make a determination based upon the evidence and shall make findings of fact and conclusions of law as to whether the child is abused or neglected and whether the respondent is abusing, neglecting, or, if applicable, a battered parent, all of which shall be incorporated into the order of the court. The findings must be based upon conditions existing at the time of the filing of the petition and proven by clear and convincing evidence.

(j) *Priority of proceedings.* — Any petition filed and any proceeding held under this article shall, to the extent practicable, be given priority over any other civil action before the court, except proceedings under ~~section three hundred nine, article twenty-seven, chapter forty-eight~~ §48-27-309 of this code and actions in which trial is in progress. Any petition filed under this article shall be docketed immediately upon filing. Any hearing to be held at the end of an improvement period and any other hearing to be held during any proceedings under this article shall be held as nearly as practicable on successive days and, with respect to the hearing to be held at the end of an improvement period, shall be held as close in time as possible after the end of the improvement period and shall be held within ~~thirty~~ 30 days of the termination of the improvement period.

(k) *Procedural safeguards.* — The petition may not be taken as confessed. A transcript or recording shall be made of all proceedings unless waived by all parties to the proceeding. The rules of evidence shall apply. Following the court's determination, it shall ask the parents or custodians whether or not an appeal is desired and the response transcribed. A negative response may not be construed as a waiver. The evidence shall be transcribed and made available to the parties or their counsel as soon as practicable, if the transcript is required for purposes of further proceedings. If an indigent person intends to pursue further proceedings, the court reporter shall furnish a transcript of the hearing without cost to the indigent person if an affidavit is filed stating that he or she cannot pay the transcript.

ARTICLE 5. RECORD KEEPING AND DATABASE.

§49-5-101. Confidentiality of records; nonrelease of records; exceptions; penalties.

(a) Except as otherwise provided in this chapter or by order of the court, all records and information concerning a child or juvenile which are maintained by the Division of Juvenile Services, the Department of Health and Human Resources, a child agency or facility, court or law-enforcement agency are confidential and shall not be released or disclosed to anyone, including any federal or state agency.

(b) Notwithstanding the provisions of subsection (a) of this section or any other provision of this code to the contrary, records concerning a child or juvenile, except adoption records and records disclosing the identity of a person making a complaint of child abuse or neglect, may be made available:

- (1) Where otherwise authorized by this chapter;
- (2) To:
 - (A) The child;

(B) A parent whose parental rights have not been terminated; or

(C) The attorney of the child or parent;

(3) With the written consent of the child or of someone authorized to act on the child's behalf;
or

(4) Pursuant to an order of a court of record. However, the court shall review the record or records for relevancy and materiality to the issues in the proceeding and safety, and may issue an order to limit the examination and use of the records or any part thereof.

(c) In addition to those persons or entities to whom information may be disclosed under subsection (b) of this section, information related to child abuse or neglect proceedings, except information relating to the identity of the person reporting or making a complaint of child abuse or neglect, shall be made available, upon request, to:

(1) Federal, state or local government entities, or any agent of those entities, including law-enforcement agencies and prosecuting attorneys, having a need for that information in order to carry out its responsibilities under law to protect children from abuse and neglect;

(2) The child fatality review team;

(3) Child abuse citizen review panels;

(4) Multidisciplinary investigative and treatment teams; or

(5) A grand jury, circuit court or family court, upon a finding that information in the records is necessary for the determination of an issue before the grand jury, circuit court or family court.

(d) In the event of a child fatality or near fatality due to child abuse and neglect, information relating to a fatality or near fatality shall be made public by the Department of Health and Human Resources and to the entities described in subsection (c) of this section, all under the circumstances described in that subsection. However, information released by the Department of Health and Human Resources pursuant to this subsection may not include the identity of a person reporting or making a complaint of child abuse or neglect. For purposes of this subsection, 'near fatality' means any medical condition of the child which is certified by the attending physician to be life threatening.

(e) Except in juvenile proceedings which are transferred to criminal proceedings, law-enforcement records and files concerning a child or juvenile shall be kept separate from the records and files of adults and not included within the court files. Law-enforcement records and files concerning a child or juvenile shall only be open to inspection pursuant to section one hundred three of this article.

(f) Any person who willfully violates this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$1,000, or confined in jail for not more than six months, or both fined and confined. A person convicted of violating this section is also liable for damages in the amount of \$300 or actual damages, whichever is greater.

(g) Notwithstanding the provisions of this section, or any other provision of this code to the contrary, the name and identity of any juvenile adjudicated or convicted of a violent or felonious crime shall be made available to the public;

(h)(1) Notwithstanding the provisions of this section or any other provision of this code to the contrary, the Division of Juvenile Services may provide access to and the confidential use of a treatment plan, court records or other records of a juvenile to an agency in another state which:

(A) Performs the same functions in that state that are performed by the Division of Juvenile Services in this state;

(B) Has a reciprocal agreement with this state; and

(C) Has legal custody of the juvenile.

(2) A record which is shared under this subsection may only provide information which is relevant to the supervision, care, custody and treatment of the juvenile.

(3) The Division of Juvenile Services is authorized to enter into reciprocal agreements with other states and to propose rules for legislative approval in accordance with article three, chapter twenty-nine-a of this code to implement this subsection.

(4) Other than the authorization explicitly given in this subsection, this subsection may not be construed to enlarge or restrict access to juvenile records as provided elsewhere in this code.

(i) The records subject to disclosure pursuant to subsection (b) of this section shall not include a recorded/videotaped interview, as defined in subdivision (6), section two, article six-b, chapter sixty-two of this code, the disclosure of which is exclusively subject to the provisions of section six of said article.

(j) A child agency or facility may disclose otherwise confidential information to other child agencies or facilities when making referrals or providing services on behalf of the child. This information shall be maintained in the same manner as provided in this code.

(k) The department shall provide access to a child placing agency electronic information required to perform an adoption."

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. 88**), and there were— yeas 13, nays 82, absent and not voting 5, with the yeas and the absent and not voting being as follows:

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

Absent and Not Voting: Bridges, Clark, Smith, Steele and Storch.

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

Delegate Young moved to amend the bill on page 1, line 9, following the period at the end of section 10a, by inserting the following:

“§11-21-10b. West Virginia child income tax credit.

(a) Resident child tax credit- For taxable years beginning January 1, 2023, a taxpayer who is a resident and is not a dependent of another individual is allowed a credit of \$1,000.00 per qualified child of the taxpayer against the tax, except that when a husband and wife file separate returns under this article this credit shall be \$500 per separate return for each child. The portion of a child income credit against the tax that exceeds a taxpayer’s tax liability in the taxable year in which the credit is claimed shall be refunded.

(b)Qualifying child defined- For the purposes of this section “qualifying child” means as the term is defined by Section 152 (c) of the Internal Revenue Code.”

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. 89**), and there were— yeas 14, nays 81, absent and not voting 5, with the yeas and the absent and not voting being as follows:

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

Absent and Not Voting: Bridges, Clark, Smith, Steele and Storch.

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

There being no further amendments, the bill was ordered to engrossment and third reading.

Com. Sub. for H. B. 2346, Declaring a shortage of qualified bus operators and allowing retired bus operators to accept employment; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2548, Relating to temporary identification cards for released inmates; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2599, Creating the utility pole rights of way and easement mapping initiative; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Linville, the bill was amended on page 1, section 2a, line 6, after the word “documentation” by adding the words “:Provided, That nothing in this section shall be construed as requiring pole owners to furnish information to the Department of Economic Development that the pole owners have not already obtained from attachers”.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2762, Allowing variance in state fire code for certain buildings used solely for emergency equipment storage; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Nestor, the bill was amended on page 1, by striking everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 11. FIRE COMMISSION.

§15A-11-3. Promulgation of rules and State Fire Code.

(a) Pursuant to the provisions of § 29A-3-1 *et seq.* of this code, the State Fire Commission shall propose and promulgate comprehensive rules for the safeguarding of life and property from the hazards of fire and explosion to be known as the State Fire Code. Rules embodied in the State Fire Code shall be in accordance with standard safe practice as embodied in widely recognized standards of good practice for fire prevention and fire protection and have the force and effect of law in the several counties, municipalities, and political subdivisions of the state: *Provided*, That buildings or structures utilized primarily for agricultural purposes shall be exempt from the provisions of the State Building Code, the State Fire Code, and any county or municipal building code or ordinance that is or may be adopted, such as the ICC International Property Maintenance Code. The rule shall include, but not be limited to, standard safe practices for the design, construction, location, installation, maintenance, and operation of liquefied petroleum gas systems, and training standards and qualifications for persons who install or maintain liquefied petroleum gas systems.

(b) The State Fire Commission may establish work groups and seek input in the rulemaking process from groups or individuals with an interest in any aspect of the fire code.

(c) For purposes of this section, the term “agricultural purposes” means the raising, cultivation, drying, harvesting, marketing, production, or storage of agricultural products, including both crops and livestock, for sale or use in agriculture or agricultural production, or the storage of machinery or equipment used in support of agricultural production.

(d) The State Fire Commission shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code relating to sprinkler protection, specifically providing that buildings commencing construction after July 1, 2023, housing emergency fire, rescue, or ambulance services shall be protected throughout by approved automatic sprinkler systems: *Provided*, That emergency services buildings that house only equipment, are less than 5,000 square feet, and do not have designated sleeping areas or quarters within them, regardless when constructed or commencing construction, are exempt from this requirement.

§15A-11-5. Promulgation of rules and statewide building code.

(a) The State Fire Commission shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code to safeguard life and property and to ensure the quality of construction of all structures erected or renovated throughout this state through the adoption of a State Building Code. The rule may include provisions regarding building construction, renovation, and all other aspects as related to the construction and mechanical operations of a structure. The rule shall include building energy codes. The rules shall be in accordance with standard safe practices so embodied in widely recognized standards of good practice for building construction and all aspects related thereto and have force and effect in those

counties and municipalities adopting the State Building Code: *Provided*, That each county or municipality may adopt the code to the extent that it is only prospective and not retroactive in its application; *Provided, however*, That buildings or structures utilized primarily for agricultural purposes shall be exempt from the provisions of the State Building Code, the State Fire Code, and any county or municipal building code or ordinance that is or may be adopted, such as the ICC International Property Maintenance Code.

(b) The State Fire Commission may establish advisory boards as it considers appropriate to encourage representative participation in subsequent rulemaking from groups or individuals with an interest in any aspect of the State Building Code or related construction or renovation practices.

(c) For the purpose of this section, the term "building code" is intended to include all aspects of safe building construction and mechanical operations and all safety aspects related thereto. Whenever any other state law, county, or municipal ordinance, or regulation of any agency thereof is more stringent or imposes a higher standard than is required by the State Building Code, the provisions of the state law, county or municipal ordinance, or regulation of any agency thereof governs if they are not inconsistent with the laws of West Virginia and are not contrary to recognized standards and good engineering practices. In any question, the decision of the State Fire Commission determines the relative priority of any such state law, county or municipal ordinance, or regulation of any agency thereof, and determines compliance with State Building Code by officials of the state, counties, municipalities, and political subdivisions of the state.

(d) Enforcement of the provisions of the State Building Code is the responsibility of the respective local jurisdiction. Also, any county or municipality may enter into an agreement with any other county or municipality to provide inspection and enforcement services: *Provided*, That any county or municipality may adopt the State Building Code with or without adopting the BOCA National Property Maintenance Code. If a county adopts a property maintenance code or ordinance including, but not limited to, the ICC International Property Maintenance Code, such code or ordinance shall exempt all property used for agricultural purposes or otherwise cause such property to be exempted from any such code or ordinance from enforcement. Any such code that may be or is adopted by any county shall be and is unenforceable as to agricultural property.

(e) After the State Fire Commission has promulgated rules as provided in this section, each county or municipality intending to adopt the State Building Code shall notify the State Fire Marshal of its adoption.

(f) The State Fire Commission may conduct public meetings in each county or municipality adopting the State Building Code to explain the provisions of the rules.

(g) The provisions of the State Building Code relating to the construction, repair, alteration, restoration, and movement of structures are not mandatory for existing buildings and structures identified and classified by the State Register of Historic Places under the provisions of §29-1-8 of this code or the National Register of Historic Places, pursuant to ~~16 U.S.C. §470a~~ 54 U.S.C. § 302101 et seq. Prior to renovations regarding the application of the State Building Code, in relation to historical preservation of structures identified as such, the authority having jurisdiction shall consult with the Division of Culture and History, State Historic Preservation Office. The final decision is vested in the State Fire Marshal. Additions constructed on a historic building are not excluded from complying with the State Building Code.

(h) For purposes of this section, the term "agricultural purposes" has the same meaning as is set forth in §15A-11-3 of this code.

(i) The State Fire Commission shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code relating to sprinkler protection, specifically providing that buildings commencing construction after July 1, 2023, housing emergency fire, rescue, or ambulance services shall be protected throughout by approved automatic sprinkler systems: Provided, That emergency services buildings that house only equipment, are less than 5,000 square feet, and do not have designated sleeping areas or quarters within them, regardless when constructed or commencing construction, are exempt from this requirement.”

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2845, Relating to removing expired provisions from the code; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2967, Expediting License Applications for active military members and veterans, and their spouses; on second reading, coming up in regular order, was read a second time.

An amendment offered by Delegate Phillips, was reported by the Clerk.

Whereupon,

Delegate Phillips obtained unanimous consent that the amendment be withdrawn.

The bill was then ordered to engrossment and third reading.

H. B. 2970, Creating the equitable right to expungement; 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. 3036, Increasing the number of districts and the limit on approved costs under the BUILD WV 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. 3077, Relating to making the use of the multi-state real time tracking system permanent; 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. 3130, Creating the Coalfields Energy Research and Economic Development Authority; 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. 3164, To extend the termination date of the West Virginia Advisory Council on Rare Diseases due to a delay in beginning its duties; 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. 3191, Relating to certain facilities operated by the state government to obtain a license; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

Com. Sub. for H. B. 2218, Distracted Driving Act,

Com. Sub. for H. B. 2621, Relating generally to bail bondsman,

H. B. 2882, Making a supplemental appropriation to the Department of Economic Development,

And,

Com. Sub. for H. B. 3145, Recognizing the Commission on Uniform State Laws as a presumptive provider of continuing legal education.

Leaves of Absence

At the request of Delegate Kelly, and by unanimous consent, leaves of absence for the day were granted Delegates Bridges, Clark and Smith.

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. 2075: Delegate Foggin;

H. B. 2133: Delegate Ridenour;

H. B. 2194: Delegate Ridenour;

H. B. 2423: Delegate Ridenour;

H. B. 2495: Delegate Ridenour;

H. B. 2497: Delegate Ridenour;

H. B. 2630: Delegate Rowe;

H. B. 2985: Delegate Rowe;

H. B. 2797: Delegate Ridenour;

H. B. 2997: Delegate Ridenour;

H. B. 3018: Delegates Hall and Hornby;

H. B. 3144: Delegate Ridenour;

H. B. 3247: Delegate Tully;

H. B. 3302: Delegate Pinson;

And,

H. B. 3306: Delegate Heckert.

At 12:23 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 9, 2023.

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

SPECIAL CALENDAR

Thursday, February 9, 2023

30th Day

11:00 A. M.

THIRD READING

- Com. Sub. for H. B. 2002 - Relating to providing support for families (CRISS) (REGULAR)
- Com. Sub. for H. B. 2346 - Declaring a shortage of qualified bus operators and allowing retired bus operators to accept employment (CRISS) (REGULAR)
- H. B. 2548 - Relating to temporary identification cards for released inmates (CAPITO) (REGULAR)
- H. B. 2599 - Creating the utility pole rights of way and easement mapping initiative (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2762 - Allowing variance in state fire code for certain buildings used solely for emergency equipment storage (PHILLIPS) (REGULAR)
- Com. Sub. for H. B. 2845 - Relating to removing expired provisions from the code (SUMMERS) (REGULAR)
- H. B. 2967 - Expediting License Applications for active military members and veterans, and their spouses (PHILLIPS) (REGULAR)
- H. B. 2970 - Creating the equitable right to expungement (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3036 - Increasing the number of districts and the limit on approved costs under the BUILD WV Act (CRISS) (REGULAR)
- Com. Sub. for H. B. 3077 - Relating to making the use of the multi-state real time tracking system permanent (SUMMERS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 3130 - Creating the Coalfields Energy Research and Economic Development Authority (PHILLIPS) (REGULAR)
- Com. Sub. for H. B. 3164 - To extend the termination date of the West Virginia Advisory Council on Rare Diseases due to a delay in beginning its duties (SUMMERS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 3191 - Relating to certain facilities operated by the state government to obtain a license (SUMMERS) (EFFECTIVE FROM PASSAGE)

SECOND READING

- Com. Sub. for H. B. 2218 - Distracted Driving Act (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2621 - Relating generally to bail bondsman (CAPITO) (REGULAR)

H. B. 2882 - Making a supplemental appropriation to the Department of Economic Development (CRISS) (EFFECTIVE FROM PASSAGE)

Com. Sub. for H. B. 3145 - Recognizing the Commission on Uniform State Laws as a presumptive provider of continuing legal education (CAPITO) (REGULAR)

FIRST READING

Com. Sub. for H. B. 2075 - To provide a means to classify when medications should be continued or stopped for patients (SUMMERS) (REGULAR)

H. B. 2899 - Repealing two sections of code relating to gas utility rates (LINVILLE) (REGULAR)

Com. Sub. for H. B. 3111 - Creating Infrastructure Ready Jurisdictions (LINVILLE) (REGULAR)

H. B. 3199 - Relating to removing the requirement that an ectopic pregnancy be reported (SUMMERS) (EFFECTIVE FROM PASSAGE)

H. B. 3268 - Add protections for WV residents who reside out of state for certain time periods from non-renewal of licenses and registration (LINVILLE) (JULY 1, 2023)

Com. Sub. for H. B. 3306 - Relating to the organizational structure of the Office of Drug Control Policy (SUMMERS) (REGULAR)

H. B. 3307 - Establishing the West Virginia-Ireland Trade Commission (HOWELL) (REGULAR)

HOUSE CALENDAR

Thursday, February 9, 2023

30th Day

11:00 A. M.

SECOND READING

- Com. Sub. for H. B. 2017 - Relating to service of process in child abuse cases (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2196 - To remove opioid treatment programs from requiring a certificate of need (SUMMERS) (EFFECTIVE FROM PASSAGE)
- H. B. 2510 - To establish the Rare Earth Element and Critical Mineral Investment Tax Credit Act (HOWELL) (EFFECTIVE FROM PASSAGE)
- 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)

WEST VIRGINIA HOUSE OF DELEGATES

THURSDAY, FEBRUARY 9, 2023

HOUSE CONVENES AT 11:00 A.M.

**SENIOR, CHILDREN, AND FAMILY ISSUES
9:15 AM – ROOM 460-M**

**COMMITTEE ON RULES
10:45 AM – BEHIND CHAMBER**

**COMMITTEE ON ENERGY AND MANUFACTURING
1:00 PM – ROOM 410-M**

**TECHNOLOGY AND INFRASTRUCTURE
1:00 PM – ROOM 432-M**

**ECONOMIC DEVELOPMENT AND TOURISM
2:00 PM – ROOM 460-M**

**COMMITTEE ON HEALTH AND HUMAN RESOURCES
3:00 PM – ROOM 215-E**

**COMMITTEE ON FINANCE
4:00 PM – ROOM 460-M**

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