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THIRTIETH DAY

Thursday, February 9, 2023

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[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 Wednesday, February 8, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Jeffries announced that Com. Sub. for H. B. 2832, on Second Reading, House Calendar, had been transferred to the Special Calendar.

Committee Reports

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

Your Committee on Government Organization has had under consideration:

H. B. 3210, Relating to the performance of installation of propane gas systems,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3210 - "A Bill to amend and reenact §15A-10-15 of the Code of West Virginia, 1931, as amended, relating to the performance of installation of propane gas systems; providing definitions; and creating certain prohibitions related to liquefied petroleum containers without consent of the owner,"

H. B. 3261, Relating to Social Workers Qualifications,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3261 - "A Bill to amend and reenact §30-30-16 of the Code of West Virginia, 1931, as amended, relating to modifying the qualifications for social workers in West Virginia,"

H. B. 3311, Relating to wine alcohol by volume as compared to beer,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3311 - "A Bill to amend and reenact §60-8-2 of the Code of West Virginia, 1931, as amended, relating to increasing the alcohol content by volume limit for certain wines; changing the alcohol limit for table wine from 14 percent to 15.5 percent; changing the minimum alcohol content of nonfortified dessert wine from 14.1 percent to 15.6 percent,"

And,

H. B. 3318, Relating to location of services provided by the Workforce Development Board as related to the one-stop delivery system,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3318 - "A Bill to amend and reenact §5B-2B-4 of the Code of West Virginia, 1931, as amended, relating to the Workforce Development Board developing policies that ensures a resident receives services from their local area,"

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Government Organization has had under consideration:

H. B. 2309, To require the Division of Forestry to create an online renewal process no later than July 1, 2023,

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

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

Your Committee on Finance has had under consideration:

H. B. 2006, Relating to reorganizing the Department of Health and Human Resources,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2006 - "A Bill to amend and reenact §5F-1-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §5F-2-1 and §5F-2-2 of said code; to amend said code by adding thereto a new section designated §5F-2-1a; to repeal §9-1-1 of said code; to amend and reenact §9-1-2 of said code; to amend and reenact §9-2-1 of said code; to repeal §9-2-1a of said code; to amend and reenact §9-2-2, §9-2-5 and §9-2-6, of said code; to repeal §9-2-9 of said code; to amend and reenact §9-2-9a of said code; to repeal §9-2-13 of said code; to repeal §9-5-8a, §9-5-8a and §9-5-8b of said code; to amend and reenact §16-1-2, §16-1-3, §16-1-4, §16-1-5 and §16-1-6 of said code; to amend said code by adding thereto new sections designated, §16-1-22, §16-1-22a, §16-1-22b and §16-1-22c of said code; to amend and reenact §16-29A-4 of said code; to amend and reenact §26-1-1, §26-1-2 and §26-1-3 of said code; to amend said code by adding thereto a new section, designated §26-1-4 of said code; to repeal §26-3-1, §26-3-2, §26-3-3, §26-3-4 and §26-3-5 of said code; to repeal §26-5-1 of said code; to repeal §26-5A-5a of said code; to repeal §26-8-1, §26-8-2 and §26-8-3 of said code; to repeal §26-9-1 and §26-9-2 of said code; to repeal §26-10-1 of said code; to repeal §26-11-1, §26-11-2, §26-11-3 and §26-11-4 of said code; to amend and reenact §48-14-401 of said code; to amend and reenact §48-18-101 of said code; and to amend and reenact §49-1-106 of said code, all relating to reorganizing the Department of Health and Human Resources,"

And,

H. B. 3044, Relating to the annual fee for limited video lottery terminal permits,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3044 - "A Bill to amend and reenact §29-22B-1103 of the Code of West Virginia, 1931, as amended, relating to the annual fee for limited video lottery terminal permits; permitting reduced fee in certain circumstances for certain period; establishing criteria for reduced annual fee for video lottery terminals; requiring West Virginia Lottery to determine which permit holders qualify for reduced annual permit fees and amount thereof; and terminating provisions,"

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Finance has had under consideration:

Com. Sub. for H. B. 2005, Establishing the dual enrollment pilot program to be administered by the Higher Education Policy Commission and the Council for Community and Technical College Education in conjunction with the State Board of Education,

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

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

Your Committee on Education has had under consideration:

H. B. 3098, To eliminate the WV General Summative Assessment and replace it with a formative assessment given three times a year,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3098 - "A Bill to amend the Code of West Virginia, 1931, by adding thereto a new section designated §18-2-44, all relating to standardized testing in state public schools; providing legislative findings and definitions; setting forth requirements to which the state department of education must adhere for a single, comprehensive statewide student assessment program for standardized testing, the frequency therefore and exceptions thereto; requiring that student test results be available to parents and guardians, as well as schools and school districts to which the student transfers; requiring that the department report certain data to the Legislative Oversight Committee on Education Accountability; allowing for certain additional standardized assessments under certain circumstances; clarifying that screener assessments are not prohibited; and providing an effective date,"

And,

H. B. 3113, Requiring high school students to complete course of study in personal finance,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3113 - "A Bill to amend and reenact §18-2-7c of the Code of West Virginia, 1931, as amended, relating to requiring additional class options for the delivery of a program of instruction on personal finance for students in secondary schools and requiring every student to complete a course prior to high school graduation,"

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Education has had under consideration:

H. B. 3068, To provide debt incentives for STEM teachers,

And,

H. B. 3224, Adding West Virginia Junior College to the list of eligible institutions that accept PROMISE scholarship recipients,

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. 3068 and H. B. 3224) were each referred to the Committee on Finance.

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

Your Committee on Education has had under consideration:

H. B. 3084, Relating to revising provisions related to public charter schools,

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. 3084) was referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

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

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 2540, Travel Insurance Model Act,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2540 - "A Bill to repeal §33-12-32b of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §33-62-1, §33-62-2, §33-62-3, §33-62-4, §33-62-5, §33-62-6, §33-62-7, §33-62-8, §33-62-9, §33-62-10, §33-62-11, §33-62-12, §33-62-13, relating to adopting the Travel Insurance Model Act; giving this act a short title; listing the scope and purposes; providing definitions; providing licensing and registration requirements; establishing a premium tax; establishing forms and rates; setting methods enabling the Commissioner to set pricing structure; establishing acceptable sales practices; establishing requirements for travel administrators; allowing for both individual and group policies; granting the Commissioner enforcement powers; granting rulemaking for the Commissioner; and setting an effective date,"

H. B. 2605, Relating to Good Samaritan law,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2605 - "A Bill to amend and reenact §55-7-15 and §55-7-17 of the Code of West Virginia, 1931, as amended, all relating to actions for injuries; providing that persons who in good faith render emergency care, or assistance to a person in an accident, emergency, or disaster, voluntarily and without remuneration, are not liable for civil damages for acts or omissions at the scene; and also that persons trained in a qualified program of emergency services who in good faith renders or provides advice, assistance, equipment, or materials at the scene of an actual or threatened accident, emergency, or disaster, voluntarily and without remuneration, are not liable for civil damages for acts or omissions at the scene,"

H. B. 2817, Relating to Public Service Commission jurisdiction over alternative fuel for motor vehicles,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2817 - "A Bill to amend and reenact §24-2D-2 and §24-2D-3 of the Code of West Virginia, 1931, as amended, all relating to Public Service Commission jurisdiction over alternative fuel for motor vehicles; clarifying the definitions of alternative fuel and alternative fuel vehicles; limiting Public Service Commission jurisdiction over temporary electric charging locations for alternative fuel vehicles with movable generators, provided the temporary electric charging locations are at fairs, festivals, and other special events, at locations where the electric distribution grid has been adversely effected by emergencies or disasters, natural or otherwise; or at locations which facilitate evacuations from such emergencies or disasters, impending or otherwise; and making technical improvements,"

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

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3122 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5l, relating to permitting certain types of rifles

using an encapsulated propellant charge that loads from the breech, with the bullet loaded from the muzzle, during any muzzleloader season; and providing an exception,”

And,

H. B. 3302, To recognize unborn child as distinct victim in a DUI causing death,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3302 - “A Bill to amend and reenact §17C-5-2 of the Code of West Virginia, 1931, as amended, and to amend and reenact §61-2-30 of said code; all relating to recognizing an embryo or fetus as a distinct unborn victim for certain DUI offenses; including an embryo or fetus as a distinct unborn victim for the offense of DUI causing death; including an embryo or fetus as a distinct unborn victim for the offense of DUI causing serious bodily injury; and clarifying that a pregnant woman and the embryo or fetus she is carrying in the womb constitute separate and distinct victims as applied to the offenses of DUI causing death and DUI causing serious bodily injury,”

With the recommendation that the committee substitutes each do pass.

Delegate Jennings, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

H. B. 3233, Relating generally to uniform and equipment allowances for the National Guard,

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. 3233) was referred to the Committee on Finance.

Delegate Jennings, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

H. B. 3254, Establishing a State Military Funeral Honor Guard in honor of Hershel “Woody” Williams, known as the Hershel “Woody” Williams State Military Funeral Honor Guard,

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. 3254) was referred to the Committee on Finance.

Delegate Jennings, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

H. B. 3151, Relating to assisting law enforcement officer in an emergency at the request of a responding officer,

H. B. 3152, Relating to driving under the influence,

And,

Com. Sub. for S. B. 298, Relating to non-federally declared emergencies and non-states of emergency,

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

In accordance with the former direction of the Speaker, the bills (H. B. 3151, H. B. 3152 and Com. Sub. for S. B. 298) were each referred to the Committee on the Judiciary.

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

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

H. B. 3056, To change the requirement for an EMS Agency Vehicle Inspection from every year to every two years,

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

In accordance with the former direction of the Speaker, the bill (H. B. 3056) was referred to the Committee on Technology and Infrastructure.

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

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

H. B. 2871, Relating to awarding the service weapon of a retiring State Fire Marshal,

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. 2871) was referred to the Committee on the Judiciary.

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

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

S. B. 275, Adding State Fire Marshals to statute included with law enforcement and first responders that receive information on school safety requirements,

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 (S. B. 275) was referred to the Committee on Education.

Messages from the Executive and Other Communications

The Clerk announced that H. B. 2564, H. B. 2776 and H. B. 2777 were presented to the Governor on February 8, 2023; and Com. Sub. for H. B. 2530 and H. B. 2533 were presented to the Governor on February 9, 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. 295 - "A Bill to amend and reenact §30-8A-1 of the Code of West Virginia, 1931, as amended, relating to extending the time that a prescription for spectacles remains valid"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 299 - "A Bill to amend and reenact §61-3B-3, §61-3B-6 and §61-3B-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §61-3B-8, all relating generally to trespass; making double damages applicable to all violations of the article; authorizing sentencing court to assess cleanup expenses; authorizing courts presiding in cases for misdemeanor violations of the article to defer entry of judgment and dismiss the charges if payment of ordered damages is made within six months after conviction"; 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. 300 - "A Bill to amend and reenact §30-29-1 of the Code of West Virginia, 1931, as amended, relating to law-enforcement training and certification; and modifying definition of 'law-enforcement officer'"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 419 - "A Bill to amend and reenact §30-1B-1, §30-1B-2, §30-1B-3, and §30-1B-4 of the Code of West Virginia, 1931, as amended; and to repeal §30-1B-5 and §30-1B-7 of said code, all relating to licensure to practice professions and occupations; stating findings; establishing standards for licensure of military-trained applicants; mandating boards act on applications from military-trained applicants not later than 15 days after receipt; providing for conditions for issuance of authorization to practice occupation or trade to military-trained applicants; prohibiting board from charging fee for initial authorization to practice; establishing standards for licensing spouses of current military members; mandating boards act on applications from spouses not later than 15 days after receipt; prohibiting boards from charging fee to spouse of military member for initial authorization to practice; and providing for temporary authorization to practice while application is pending"; which was referred to the Committee on Veterans' Affairs and Homeland Security then Government Organization.

A message from the Senate, by

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

S. B. 449 - "A Bill to amend and reenact §5-10C-3, §5-10C-4, and §5-10C-5 of the Code of West Virginia, 1931, as amended; all relating to government employees' retirement plans; updating definitions; clarifying pick-up contributions for nonteachers; and inserting new retirement plan in savings clause"; which was referred to the Committee on Pensions and Retirement then Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 450 - "A Bill to amend and reenact §5-10-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-14D-2, §7-14D-14, and §7-14D-15; to amend and reenact §8-22A-2; to amend and reenact §15-2A-2 and §15-2A-9; to amend and reenact §16-5V-2; to amend and reenact §18-7A-3 and §18-7A-25; and to amend and reenact §20-18-2, §20-18-21, and §20-18-22, all relating to disability retirement medical examinations of the West Virginia Public Employees Retirement System, the Deputy Sheriffs' Retirement System, the Municipal Police and Firefighters Retirement System, the State Police Retirement System, the Emergency Medical Services Retirement System, the Teachers Retirement System, and the Natural Resources Police Officers Retirement System; defining "medical examination"; and providing that board approval of disability awards and benefits be based on a medical examination"; which was referred to the Committee on Pensions and Retirement then Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 451 - "A Bill to amend and reenact §18-7A-3, §18-7A-13a, §18-7A-15, and §18-7A-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-7B-2 and §18-7B-17 of said code, all relating to the Teachers Retirement System and the Teachers' Defined Contribution Retirement System; defining and amending terms related to electing charter schools; defining medical examination; clarifying notification by employer of a retirant re-employed in a permanent position; adding electing charter schools to provisions of delinquent contributions; providing for transfer of assets from the Public Employees Retirement System to the Teachers Retirement System; and adding electing charter schools to retirement

contribution section”; which was referred to the Committee on Pensions and Retirement then Finance.

A message from the Senate, by

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

S. B. 465 - “A Bill to amend and reenact §7-21-3 of the Code of West Virginia, 1931, as amended, relating to increase the maximum amount of money in a county's financial stabilization fund from 30 percent of the county’s most recent general fund budget to 50 percent of that fund”; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 489 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-22e, relating to county boards of education; requiring boards to provide free feminine hygiene products in grades three through 12 to female students not otherwise having access to the products; and defining terms”; which was referred to the Committee on Education then Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 514 - “A Bill to amend and reenact §31D-14-1421 of the Code of West Virginia, 1931, as amended, relating to clarifying the procedure for administrative dissolution of corporations by the Secretary of State; and relating to the Secretary of State providing notice to corporations subject to administrative dissolution”; which was referred to the Committee on Government Organization.

Resolutions Introduced

On motion for leave, a Joint Resolution was introduced and referred as follows:

By Delegate Worrell:

H. J. R. 25 - “Proposing an amendment to the Constitution of the State of West Virginia amending Article III thereof by adding thereto a new section, designated section twenty-three, relating to the right to refuse any medical treatment, injection, device, vaccine, or prophylactic; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Health and Human Resources then the Judiciary.

Bills Introduced

On motion for leave, a bill was introduced and referred as follows:

By Delegates Rowe and Hanshaw (Mr. Speaker):

H. B. 3354 - “A Bill to amend and reenact §8-12-5 of the Code of West Virginia, 1931, as amended, relating to allowing municipalities to combine operations with other municipalities and counties to provide governmental services”; to the Committee on the Judiciary.

Motions

Delegates Vance, Hall and Kirby asked and obtained unanimous consent to be removed as cosponsors of Com. Sub. for H. B. 3130.

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

Special Calendar

Third Reading

Com. Sub. for H. B. 2002, Relating to providing support for families; 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. 90**), and there were—yeas 88, nays 8, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Fluharty, Garcia, Hansen, Hornbuckle, Pushkin, Skaff, Walker and Williams.

Absent and Not Voting: Clark, Householder, E. Pritt and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2002) passed.

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

Com. Sub. for H. B. 2002 – “A Bill to amend and reenact §11-21-10a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-5K-7; and to amend said code by adding thereto a new article, designated §16-66-1, §16-66-2, and §16-66-3, all relating to providing support for families; increasing adoption tax credit; establishing eligibility of adopted children of West Virginia residents for early intervention services; establishing the West Virginia Mothers and Babies Pregnancy Support Program; defining terms; establishing which organizations are eligible for funding pursuant to program; allowing bureau to contract with management agency to provide program services; and establishing requirements and responsibilities of management agency.”

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

Com. Sub. for H. B. 2346, Declaring a shortage of qualified bus operators and allowing retired bus operators to accept employment; 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. 91**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Clark, Householder, Kirby, E. Pritt, Williams and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2346) passed.

H. B. 2548, Relating to temporary identification cards for released inmates; 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. 92**), and there were—yeas 93, nays 1, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Steele.

Absent and Not Voting: Clark, Householder, Kirby, E. Pritt, Williams and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2548) passed.

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

H. B. 2599, Creating the utility pole rights of way and easement mapping initiative; 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. 93**), and there were—yeas 87, nays 9, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Criss, Espinosa, Fluharty, Heckert, Hornbuckle, Pinson, Steele, Street and Walker.

Absent and Not Voting: Clark, Householder, E. Pritt and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2599) passed.

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

Com. Sub. for H. B. 2762, Allowing variance in state fire code for certain buildings used solely for emergency equipment storage; 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. 94**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Foster.

Absent and Not Voting: Clark, Householder, E. Pritt and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2762) passed.

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

Com. Sub. for H. B. 2762 – “A Bill to amend and reenact §15A-11-3 and §15A-11-5 of the Code of West Virginia, 1931, as amended, all relating to requiring the State Fire Commission to promulgate rules pertaining to sprinkler protection; requiring that buildings commencing construction after a certain date shall be protected by automatic sprinkler systems; providing that certain buildings are exempt from State Fire Code rules pertaining to sprinkler protection; providing that certain buildings are exempt from State Building Code rules pertaining to sprinkler protection.”

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

Com. Sub. for H. B. 2845, Relating to removing expired provisions from the code; 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. 95**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Clark, Householder, E. Pritt and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2845) passed.

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

H. B. 2967, Expediting License Applications for active military members and veterans, and their spouses; 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. 96**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Clark, Householder, E. Pritt and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2967) passed.

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

H. B. 2970, Creating the equitable right to expungement; 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. 97**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Clark, Householder, E. Pritt and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2970) passed.

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

Com. Sub. for H. B. 3036, Increasing the number of districts and the limit on approved costs under the BUILD WV 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. 98**), and there were—yeas 80, nays 15, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Dean, Dillon, Fast, Gearheart, Hite, Holstein, Jeffries, Kimble, Longanacre, C. Pritt, Ross, Steele, Summers, Thorne and Ward.

Absent and Not Voting: Clark, Honaker, Householder, E. Pritt and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3036) passed.

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

Com. Sub. for H. B. 3077, Relating to making the use of the multi-state real time tracking system permanent; 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. 99**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Clark, Honaker, Householder, E. Pritt and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3077) passed.

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

On this question, the yeas and nays were taken (**Roll No. 100**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Clark, Honaker, Householder, E. Pritt and Young.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3077) takes effect from its passage.

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

Com. Sub. for H. B. 3130, Creating the Coalfields Energy Research and Economic Development Authority; on third reading, coming up in regular order, was reported by the Clerk.

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

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 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. 101**), and there were—yeas 93, nays 2, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Gearheart and Kump.

Absent and Not Voting: Clark, Honaker, Householder, E. Pritt and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3164) passed.

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

On this question, the yeas and nays were taken (**Roll No. 102**), and there were—yeas 94, nays 2, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Dillon and Kump.

Absent and Not Voting: Clark, Householder, E. Pritt and Young.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3164) takes effect from its passage.

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

Com. Sub. for H. B. 3191, Relating to certain facilities operated by the state government to obtain a license; 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. 103**), and there were—yeas 93, nays 2, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: A. Hall and Hanna.

Absent and Not Voting: Anderson, Clark, Householder, E. Pritt and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3191) passed.

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

Com. Sub. for H. B. 3191 - "A Bill to amend and reenact §16-5B-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §27-1-6 of said code; all relating to requiring licensure for certain health facilities operated by the state and defining terms."

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

On this question, the yeas and nays were taken (**Roll No. 104**), and there were—yeas 92, nays 2, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Dillon and Vance.

Absent and Not Voting: Clark, Householder, Longanacre, E. Pritt, Riley and Young.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3191) 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. 2218, Distracted Driving 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. 2621, Relating generally to bail bondsman; on second reading, coming up in regular order, was reported by the Clerk.

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

Com. Sub. for H. B. 2832, Clarifying appropriate and inappropriate duties for school counselors while also providing the definition of a school counselor; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Holstein, the bill was amended on page 2, section 18b, line 31, after the word "student" by inserting the word "academic".

An amendment sponsored by Delegate Young, was reported by the Clerk.

Whereupon,

Unanimous consent was obtained that the amendment be withdrawn.

The House subsequently returned to further consideration of Com. Sub. for H. B. 2832.

Delegate Walker moved to amend the bill on page 2, section 18b, line 33, by striking out subdivision (9) in its entirety and renumbering the subsequent subdivisions accordingly.

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

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

H. B. 2882, Making a supplemental appropriation to the Department of Economic Development; on second reading, coming up in regular order, was read a second time.

Delegate McGeehan moved to amend the bill on page 2, line 22, by striking “115,000,000” and inserting in lieu thereof, “10,000,000”;

And,

On page 2, line 26, by striking, “127,147,273” and inserting in lieu thereof, “22,147,273”;

And,

On page 3, line 47 by striking, “From the above appropriation for Directed Transfer - Surplus (fund 0256, appropriation 33 70099), \$105,000,000 shall be transferred to the Economic Development Project Fund (fund 34 9069) and \$10,000,000 shall be transferred to the Broadband Development Fund (fund 3034).”, and inserting in lieu thereof, “From the above appropriation for Directed Transfer – Surplus (fund 0256, appropriation 33 70099) \$10,000,000 shall be transferred to the Broadband Development Fund (fund 3034).”.

Delegate C. Pritt asked to play a recording, which consent was not granted, objection being heard.

Delegate C. Pritt then so moved.

On this motion, the yeas and nays were taken (**Roll No. 105**), and there were—yeas 33, nays 61, absent and not voting 6, with the yeas and the absent and not voting being as follows:

Yeas: Adkins, Bridges, Brooks, Burkhammer, Butler, Chiarelli, Coop-Gonzalez, Crouse, Dean, Dillon, Fast, Forsht, Foster, Gearheart, A. Hall, Hanna, Holstein, Honaker, Jennings, Kimble, Kirby, Longanacre, McGeehan, Petitto, Phillips, Pinson, C. Pritt, Ridenour, Ross, Street, Thorne, Vance and Warner.

Absent and Not Voting: Clark, Foggin, Householder, Martin, E. Pritt and Young.

So, two thirds of the members present not having voted in the affirmative, the motion was rejected.

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. 106**), and there were—yeas 25, nays 70, absent and not voting 5, with the yeas and the absent and not voting being as follows:

Yeas: Bridges, Brooks, Burkhammer, Butler, Chiarelli, Coop-Gonzalez, Dean, Dillon, Fast, Foster, Gearheart, A. Hall, Jeffries, Kimble, Kirby, McGeehan, Phillips, C. Pritt, Ridenour, Ross, Smith, Thorne, Toney, Vance and Worrell.

Absent and Not Voting: Clark, Longanacre, Martin, E. Pritt and Young.

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

Delegate Foster moved to amend the bill on page 3, section 1, beginning on line 47, after the word "the" by striking "Economic Development Project Fund (fund 34 9069)" and inserting in lieu thereof the following: "Water Development Authority (fund 3384)".

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. 107**), and there were— yeas 18, nays 75, absent and not voting 7, with the yeas and the absent and not voting being as follows:

Yeas: Bridges, Brooks, Burkhammer, Butler, Chiarelli, Coop-Gonzalez, Dean, Dillon, Foster, A. Hall, Kimble, Kirby, McGeehan, Phillips, Ridenour, Ross, Smith and Vance.

Absent and Not Voting: Clark, Fluharty, Forsht, Longanacre, Martin, E. Pritt and Young.

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

Delegate Foster moved to amend the bill on page 2, section 1, line 22, by striking "115,000,000" and inserting in lieu thereof "12,000,000";

On page 2, section 1, line 26, by striking "127,147,273" and inserting in lieu thereof "24,147,273";

On page 3, section 1, line 47, by striking "105,000,000" and inserting in lieu thereof "2,000,000";

And,

On page 3, section 1, beginning on line 47, striking "Economic Development Project Fund (fund 34 9069)" and inserting in lieu thereof "Sexual Assault Intervention and Prevention Fund within the Bureau of Public Health".

Delegate Hansen arose to a point of order as to the germaneness of the amendment offered by Delegate Foster.

The Speaker ruled that the amendment was germane.

Whereupon,

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

Delegate Foster moved for division into two separate appropriations.

Delegate Householder moved to table the motion to which the Speaker replied that the motion was not in order.

In the absence of objection, the question to divide was put.

On this motion, the yeas and nays were demanded, which demand was sustained.

Having been ordered, the yeas and nays were taken (**Roll No. 108**), and there were—yeas 23, nays 71, absent and not voting 6, with the yeas and the absent and not voting being as follows:

Yeas: Bridges, Brooks, Burkhammer, Butler, Chiarelli, Coop-Gonzalez, Dean, Dillon, Fast, Foster, Gearheart, A. Hall, Kimble, Kirby, Linville, Longanacre, McGeehan, Phillips, C. Pritt, Ridenour, Ross, Vance and Worrell.

Absent and Not Voting: Clark, Fluharty, Forsht, Martin, E. Pritt and Young.

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

The bill was ordered to engrossment and third reading.

Com. Sub. for H. B. 3145, Recognizing the Commission on Uniform State Laws as a presumptive provider of continuing legal education; 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. 2075, To provide a means to classify when medications should be continued or stopped for patients,

H. B. 2899, Repealing two sections of code relating to gas utility rates,

Com. Sub. for H. B. 3111, Creating Infrastructure Ready Jurisdictions,

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

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

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

And,

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

Leaves of Absence

At the request of Delegate Jeffries and by unanimous consent, leaves of absence for the day were granted Delegates Clark and E. Pritt.

Delegate Jeffries moved, subject to announcements, that the House adjourn.

The being no objection, the motion to adjourn was subsequently withdrawn.

Unanimous consent having been obtained, the House returned to further consideration of Com. Sub. for H. B. 2346.

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

On this question, the yeas and nays were taken (**Roll No. 109**), and there were—yeas 90, nays none, absent and not voting 10, with the absent and not voting being as follows:

Absent and Not Voting: Clark, Fluharty, Kirby, Kump, Martin, E. Pritt, Ross, Skaff, Warner and Young.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2346) 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.

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: Delegates E. Pritt, Pushkin and Young;

H. B. 2342: Delegate Rowe;

H. B. 2336: Delegate Ridenour;

H. B. 2619: Delegate Ridenour;

H. B. 2760: Delegate Riley;

H. B. 2980: Delegate Ridenour;

H. B. 3214: Delegate Williams;

H. B. 3226: Delegate Ward;

H. B. 3302: Delegates Capito, Fast, Kelly, Kimble, Kump, Martin, C. Pritt and Steele;

And,

H. B. 3318: Delegate Ward.

At 2:36 p.m., the House of Delegates adjourned until 9:00 a.m., Friday, February 10, 2023.

SPECIAL CALENDAR

Friday, February 10, 2023

31st Day

9:00 A. M.

THIRD READING

- Com. Sub. for H. B. 2218 - Distracted Driving Act (CAPITO) (REGULAR)
- 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)
- H. B. 2882 - Making a supplemental appropriation to the Department of Economic Development (CRISS) (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. 3145 - Recognizing the Commission on Uniform State Laws as a presumptive provider of continuing legal education (CAPITO) (REGULAR)

SECOND READING

- Com. Sub. for H. B. 2075 - To provide a means to classify when medications should be continued or stopped for patients (SUMMERS) (REGULAR)
- Com. Sub. for H. B. 2621 - Relating generally to bail bondsman (CAPITO) (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)

FIRST READING

- Com. Sub. for H. B. 2005 - Establishing the dual enrollment pilot program to be administered by the Higher Education Policy Commission and the Council for Community and Technical College Education in conjunction with the State Board of Education (CRISS) (REGULAR)
- Com. Sub. for H. B. 2006 - Relating to reorganizing the Department of Health and Human Resources (CRISS) (REGULAR)
- H. B. 2309 - To require the Division of Forestry to create an online renewal process no later than July 1, 2023 (PHILLIPS) (REGULAR)
[GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING]
- Com. Sub. for H. B. 2540 - Travel Insurance Model Act (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2605 - Relating to Good Samaritan law (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2817 - Relating to Public Service Commission jurisdiction over alternative fuel for motor vehicles (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3044 - Relating to the annual fee for limited video lottery terminal permits (CRISS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 3098 - To eliminate the WV General Summative Assessment and replace it with a formative assessment given three times a year (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 3113 - Requiring high school students to complete course of study in personal finance (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 3122 - Permitting certain types of rifles using an encapsulated propellant charge that loads from the breech (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3210 - Relating to the performance of installation of propane gas systems (PHILLIPS) (REGULAR)
- Com. Sub. for H. B. 3261 - Relating to Social Workers Qualifications (PHILLIPS) (REGULAR)
- H. B. 3272 - Relating to the operation of private trust companies in West Virginia (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3302 - To recognize unborn child as distinct victim in a DUI causing death (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3311 - Relating to wine alcohol by volume as compared to beer (PHILLIPS) (REGULAR)
- Com. Sub. for H. B. 3318 - Relating to location of services provided by the Workforce Development Board as related to the one-stop delivery system (PHILLIPS) (REGULAR)

HOUSE CALENDAR

Friday, February 10, 2023

31st Day

9:00 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)

WEST VIRGINIA HOUSE OF DELEGATES

FRIDAY, FEBRUARY 10, 2023

HOUSE CONVENES AT 9:00 A.M.

**COMMITTEE ON RULES
8:45 AM – BEHIND CHAMBER**

**COMMITTEE ON THE JUDICIARY
IMMEDIATELY FOLLOWING FLOOR SESSION – ROOM 410-M**

**COMMITTEE ON EDUCATION
30 MINUTES FOLLOWING FLOOR SESSION – ROOM 432-M**

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