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THIRTY-SIXTH DAY

Wednesday, February 15, 2023

THIRTY-SIXTH 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 14, 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 Kimble announced that Com. Sub. for S. B. 188 and Com. Sub. for H. B. 2471, on Second Reading, Special Calendar, had been transferred to the House Calendar.

Committee Reports

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 2305, Relating to titling and registration of foreign market vehicles,

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. 2305) 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. 3440, Relating to costs of relocating public utility facilities, lines, or systems for certain highway construction projects,

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. 3440) 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. 3326, Relating to Privacy of Social Care information,

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

In accordance with the former direction of the Speaker, the bill (H. B. 3326) was referred to the Committee on the Judiciary.

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:

Com. Sub. for S. B. 439, Establishing design-build program for DEP,

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 (Com. Sub. for S. B. 439) was referred to the Committee on Technology and Infrastructure.

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. 3335, Providing for enhanced damages for non-payment of royalties due from oil, natural gas, or natural gas liquids production,

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. 3335) was referred to the Committee on the Judiciary.

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. 3304, Providing an exemption from the severance tax for coal sold to coal-fired power plants located within the State of West Virginia,

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. 3304) was 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. 2498, To require medication-assisted treatment programs to have written policies concerning community relations,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2498 - "A Bill to amend and reenact §16-5Y-6 of the Code of West Virginia, 1931, as amended, relating to requiring written policies of medication-assisted treatment programs; requiring public notice; and requiring specific written policies,"

H. B. 2848, Water and Sewer Operator licensing reciprocity,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2848 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-9g, related to modifying the requirements for out of state wastewater operators to obtain a license in the state; setting forth application requirements; and providing a waiver,"

And,

H. B. 3101, Relating to notification of breast density,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3101 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5A-6, relating to the notification of breast density; and providing for medical guidelines and information,"

With the recommendation that the committee substitutes each do pass.

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

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

H. B. 3430, To prohibit the bureau from assessing a fee upon local health departments,

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:

Com. Sub. for S. B. 89, Requiring hospitals to staff qualified personnel to perform sexual assault forensic exams,

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

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. 1, Guaranteeing the right of the citizens of West Virginia to hunt and fish,

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. 1) 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. 3313, Restraining county commissions from imposing rules and regulations on farmers beyond what is already prescribed through state statute,

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. 3313) was referred to the Committee on the Judiciary.

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

Your Committee on Rules has had under consideration:

H. R. 12, Encouraging Monongahela Power to purchase Pleasants Power Station,

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

At the request of Delegate Kimble, and by unanimous consent, the resolution (H. R. 12) was taken up for immediate consideration.

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

The yeas and nays having been ordered, they were taken (**Roll No. 144**), and there were—yeas 93, nays 2, absent and not voting 5, with the yeas and the absent and not voting being as follows:

Nays: Hansen and Young.

Absent and Not Voting: Bridges, Griffith, E. Pritt, Storch and Willis.

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

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. 2150, Requiring parents or guardians to participate in programs for juveniles in an out-of-home placement,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2150 - "A Bill to amend and reenact §49-4-712 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §49-4-712a, all relating to requiring parents, guardians, or custodians to participate in programs for juveniles in an out-of-home placement unless there is a finding by the court that said participation is not in the best interest of the juvenile; requiring certain services to include programs that require the participation of parents, guardians, or custodians unless there is a finding by the court that said participation is not in the best interest of the juvenile; requiring provisions in a valid court order to enforce certain compliance mandating that parents, guardians, or custodians participate in programs for juveniles in an out-of-home placement; and requiring parents, guardians, or custodians to participate in programs designed for out-of-home placement including family therapy sessions offered by the treatment provider unless there is a finding by the court that said participation is not in the best interest of the juvenile,"

With the recommendation that the committee substitute do pass.

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. 2026, A bill to transfer municipal police officers from the Public Employees Retirement System to the Municipal Police Officers and Firefighters Retirement System,

H. B. 2134, To modify the teacher retirement system so that Tier 2 teachers may use annual/sick leave towards retirement,

And,

H. B. 3211, Relating to authorizing service credit for unused accrued annual or sick leave days for use in determining retirement benefits from the municipal police and fire firefighter retirement systems still administered by municipalities,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2026, H. B. 2134 and H. B. 3211) were each referred to the Committee on Finance.

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. 3244, Relating to Municipal Pensions Oversight Board proposing legislative rules,

H. B. 3280, To cause law enforcement and DNR agencies whose officers fall under PERS to submit to Tax a report at the time of retirement so that these officers qualify for the law enforcement officers' tax credit,

H. B. 3299, Relating to Natural Resource Police Officer Retirement,

And,

H. B. 3364, Requiring the closure of certain municipal policemen's and firemen's pension and relief funds as condition of issuance of pension funding revenue bonds,

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. 3244, H. B. 3280, H. B. 3299 and H. B. 3364) were each 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. 3428, Relating to the West Virginia Business Ready Sites Program,

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. 3094, To create the Remote Worker Home Development Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 3094) 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. 3392, Relating to dedication of \$30 million dollars of any budget surplus at the end of the fiscal year to the Development Office Promotion and Closing Fund,

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. 3392) 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. 3147, To create the Upper Ohio Valley Trail Network,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3147 - "A Bill to amend and re-enact §20-17A-1 and §20-17A-2 of the Code of West Virginia, 1931, as amended, and by adding thereto a new article, designated §20-17B-1, §20-17B-2, §20-17B-3, §20-17B-4, and §20-17B-5, all relating to the expansion of the Mountaineer Trail Network Recreation Authority and the creation of the Upper Ohio Valley Trail Network Recreation Authority; providing for legislative findings and purposes; providing for interconnection of recreational trail networks; providing for the continuation of the Upper Ohio Valley Trail Network Recreation Authority and the establishment of the recreation area; providing recreational purposes; providing for a governing body and expenses; and providing for protection for private landowners,"

With the recommendation that the committee substitute do pass.

Messages from the Executive

A communication from His Excellency, the Governor, advised that on February 14, 2023, he approved **H B. 2564**, **H. B. 2776** and **H. B. 2777**.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

H. B. 2800, All relating to authorizing legislative rules regarding higher education.

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

On page 13, section 3, lines 109 and 110, by striking out all of subsection (ee) and inserting in lieu thereof a new subsection (ee), to read as follows:

“(ee) The legislative rule filed in the State Register on July 21, 2022 (Annual Reauthorization of Degree-Granting Institutions) is authorized, with the following amendment:

On page 13 by adding a new subsection designated 12.23 to read as follows: Nothing in this rule in any way affects or limits the due process protections or other protections afforded to proprietary schools under either W. Va. Code § 18B-2B-9 or 135 C.S.R. 35, *Business, Occupational, and Trade Schools*.”

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 145**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Griffith, Linville, E. Pritt, Shamblin, Skaff, Storch and Willis.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2800) passed.

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

On this question, the yeas and nays were taken (**Roll No. 146**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Griffith, E. Pritt, Shamblin, Skaff, Storch and Willis.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2800) takes effect from its passage.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 3061, Relating to updating the authority of the Foster Care Ombudsman.

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

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

“ARTICLE 9. FOSTER CARE OMBUDSMAN PROGRAM.

§49-9-101. The Foster Care Ombudsman.

(a) There is continued within the Office of the Inspector General the position of the West Virginia Foster Care Ombudsman. The Office of the Inspector General shall employ a Foster Care Ombudsman to affect the purposes of this article.

(b) In addition to the duties provided in §9-5-27 of this code, the duties of the Foster Care Ombudsman include, but are not limited to, the following:

(1) Establishing a statewide procedure to receive, investigate, and resolve complaints:

(A) Filed on behalf of a child who is subject to a reported allegation of abuse and neglect, a child who has died or sustained a critical incident, a child in the juvenile justice system, a foster child, foster parent, or kinship parent; or,

(B) On the Foster Care Ombudsman's own initiative, of a child who is subject to a reported allegation of abuse and neglect, a child who has died or sustained a critical incident, a child in the juvenile justice system; or

(C) On the Foster Care Ombudsman's own initiative, on behalf of a foster child, relating to action, inaction, or decisions of the state agency, child-placing agency, or residential care facility which may adversely affect the foster child, foster parent, or kinship parent;

(2) Review periodically and make appropriate recommendations for the policies and procedures established by any state agency providing services to ~~foster children, foster parents, kinship parents, including, but not limited to, the system of providing foster care and treatment~~ the child welfare system;

(3) Pursuant to an investigation, provide assistance to a ~~foster child, foster parent, or kinship parent~~ an individual who the Foster Care Ombudsman determines is in need of assistance, including, but not limited to, collaborating with an agency, provider, or others on behalf of the best interests of the ~~foster~~ child;

(4) Recommend action when appropriate, including, but not limited to, undertaking legislative advocacy and making proposals for systemic reform and formal legal action, in order to secure and ensure the legal, civil, and special rights of ~~foster children; who reside in this state~~ children in the child welfare system and the juvenile justice system;

(5) Conduct programs of public education when necessary and appropriate;

(6) Have input into the creation of, and thereafter make recommendations consistent with, the foster children, foster parents, and kinship parents bill of rights;

(7) Take appropriate steps to advise the public of the services of the Foster Care Ombudsman, the purpose of the ombudsman, and procedures to contact the office; and

(8) Make inquiries and obtain assistance and information from other state governmental agencies or persons as the Foster Care Ombudsman requires for the discharge of his or her duties.

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

discovery, subpoena, or other means of legal compulsion, and are not admissible as evidence in a judicial or administrative proceeding.

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

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

§49-9-102. Investigation of complaints.

~~(a) Upon receipt of a complaint filed on behalf of a foster child, foster parent, or kinship parent, on his or her own initiative~~ or by court order within the scope of the Foster Care Ombudsman Program, the Foster Care Ombudsman shall investigate, except as provided in §49-9-102(c) of this code, any act, practice, policy, or procedure of any state agency, child-placing agency, juvenile facility, or residential care facility which affects the health, safety, welfare, or rights of a foster child, a foster parent, a child who is subject to a reported allegation of abuse and neglect, a child who has died or sustained a critical incident, a child in the juvenile justice system, or a kinship parent.

(b) Investigative activities of the Foster Care Ombudsman include, but are not limited to: information gathering, mediation, negotiation, informing parties of the status of the investigation, notification to any aggrieved party of alternative processes, reporting of suspected violations to a licensing or certifying agency, and the reporting of suspected criminal violations to the appropriate authorities.

(c) The Foster Care Ombudsman need not investigate any complaint upon determining that:

(1) The complaint is trivial, frivolous, vexatious, or not made in good faith;

(2) The complaint has been too long delayed to justify present investigation;

(3) The resources available, considering the established priorities, are insufficient for an adequate investigation;

(4) The matter complained of is not within the investigatory authority of the Foster Care Ombudsman; or

(5) A real or apparent conflict of interest exists and no other person within the office is available to investigate the complaint in an impartial manner.

(d) The Office of the Inspector General and other appropriate state governmental agencies may establish and implement cooperative agreements for receiving, processing, responding to, and resolving complaints involving state governmental agencies under the provisions of this section.

(e) ~~Beginning with the third quarter of 2020, the~~ The Foster Care Ombudsman shall submit a ~~an annual~~ written report to the Governor containing:

- (1) The number of complaints;
- (2) The types of complaints;
- (3) The location of the complaints;
- (4) How the complaints are resolved; and
- (5) Any other information the Foster Care Ombudsman feels is appropriate.

(f) ~~Beginning in December 2020, the~~ The Foster Care Ombudsman shall summarize the ~~quarterly~~ reports and present that information to the Legislative Oversight Commission on Health and Human Resources Accountability. Nothing shall preclude the Foster Care Ombudsman office from submitting data, findings, or reports beyond this annual report.

(g) Another office, department, agency, or official may not prohibit the release of an ombudsman's recommendations to the Governor and the Legislature.

§49-9-107. Confidentiality of investigations.

(a) Information relating to any investigation of a complaint that contains the identity of the complainant, a child who is subject to a reported allegation of abuse and neglect, a child who has died or sustained a critical incident, a child in the juvenile justice system, or a foster child, foster parent, or kinship parent shall remain confidential except:

(1) ~~Where disclosure is authorized in writing by the complainant foster child, foster parent, kinship parent, or the guardian.~~ Where imminent risk of serious harm is communicated directly to the Foster Care Ombudsman or his or her staff;

(2) Where disclosure is necessary to the bureau ~~for Children and Families~~ in order for such office to determine the appropriateness of initiating an investigation regarding potential abuse, neglect, or emergency circumstances; or

(3) Where disclosure is necessary to the Office of Health Facility Licensure and Certification in order for such office to determine the appropriateness of initiating an investigation to determine facility compliance with applicable rules of licensure, certification, or both.

(b) The Foster Care Ombudsman shall maintain confidentiality with respect to all matters including the identities of complainants, witnesses, or others from whom information is acquired,

except insofar as disclosures may be necessary to enable the Foster Care Ombudsman to carry out duties of the office or to support recommendations.

(c) Notwithstanding any other section within this article, all information, records, and reports received by or developed by the Foster Care Ombudsman Program which relate to a foster child, foster parent, or kinship parent, including written material identifying a foster child, foster parent, or a child who is subject to a reported allegation of abuse and neglect, a child who has died or sustained a critical incident, a child in the juvenile justice system, or kinship parent, are confidential pursuant to §49-5-101 *et seq.* of this code and are not subject to the provisions of §29B-1-1 *et seq.* of this code, and may not be disclosed or released by the Foster Care Ombudsman Program, except under the circumstances enumerated in this section.

(e) (d) Nothing in this section prohibits the preparation and submission by the Foster Care Ombudsman of statistical data and reports, as required to implement the provisions of this article or any applicable federal law, exclusive of any material that identifies any foster child, foster parent, kinship parent, or complainant.

(d) (e) The Inspector General shall have access to the records and files of the Foster Care Ombudsman Program to verify its effectiveness and quality where the identity of any complainant, a child who is subject to a reported allegation of abuse and neglect, a child who has died or sustained a critical incident, a child in the juvenile justice system, or foster child, foster parent, or kinship parent is not disclosed.”

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 147**), 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: Bridges, Griffith, E. Pritt, Skaff, Storch and Willis.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3061) passed.

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

On this question, the yeas and nays were taken (**Roll No. 148**), 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: Bridges, Griffith, E. Pritt, Storch and Willis.

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. 3061) takes effect from its passage.

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

A message from the Senate, by

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

Com. Sub. for S. B. 31 - “A Bill to amend and reenact §31-15A-17c of the Code of West Virginia, 1931, as amended, relating to permissible expenditures by the Water Development Authority from the Infrastructure Fund; modifying the upper limit of funds which may be transferred in to subaccount; raising the cap on total project costs for certain facilities for use of Critical Needs and Failing Systems Sub Account funding; and allowing the authority to grant infrastructure grant money from the Critical Needs and Failing Systems Sub Account to certain projects for the upgrading of a water facility or wastewater facility to reduce maintenance costs, operations costs, or waterline leakages”; 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. 99 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-28, relating to meetings among county boards of education; and establishing procedures for potential consolidation of school districts”; which was referred to the Committee on Education.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2023, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 274 - “A Bill to amend and reenact §18-2E-10 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-5-18a of said code; to amend and reenact §18-9A-5 of said code; and to amend and reenact §18-20-10 of said code, all relating to enhancing academic achievement of students including those with learning disabilities; establishing the Third Grade Success Act; replacing transformative system of support for early literacy with multi-tiered system of support for early literacy and numeracy in kindergarten through grade three; revising findings; defining ‘science of reading’; revising inclusions in West Virginia Board of Education rules required to effectuate Third Grade Success Act section; requiring each county board to adopt high-quality instructional materials; specifying data to be used to inform the classroom teacher’s recommendation on grade level retention; requiring county boards of education to provide in-service training for early childhood classroom assistant teachers, aides, classroom teachers, and in certain instances, interventionists in grades kindergarten through three; updating deadlines for West Virginia Board of Education multi-tiered system of support for early literacy and numeracy reports; modifying provisions pertaining to funding for Third Grade Success Act section; requiring retention in the third grade in certain circumstances; specifying exceptions to third grade retention requirement; adding maximum teacher-pupil ratio for pre-kindergarten; adding maximum early childhood classroom assistant teacher or aide-pupil ratio for kindergarten through grade three; phasing in early childhood classroom assistant teacher/aide requirement for grades one through three; allowing county boards to employ an interventionist instead of an early childhood assistant teacher or aide; removing requirement for survey of districts on class overcrowding and report to the Legislative Oversight Commission on Education Accountability a tailored plan for reducing class overcrowding; phasing in increased ratios of service personnel per 1,000 students for the purpose of determining the basic foundation allowance for service personnel; revising findings; making recognitions regarding dyslexia and dyscalculia; and replacing responsibilities of the West Virginia Board of Education pertaining to specific learning disabilities, including dyslexia and dyscalculia, with duties of the state education agency and the local education agencies, including the public charter schools”; 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. 409 - “A Bill to amend and reenact §64-10-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Commerce to promulgate legislative rules; authorizing the rules as filed, as modified, as modified and amended, and as amended by the Legislative Rule-Making Review Committee and as amended by Legislature; relating to authorizing the West Virginia Department of Economic Development to promulgate a legislative rule relating to the Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program; relating to authorizing the Division of Labor to promulgate a legislative rule relating to the West Virginia Board of Manufactured Housing Construction and Safety; relating to authorizing the Division of Labor to promulgate a legislative rule relating to supervision of plumbing work; relating to authorizing the Division of Labor to promulgate a legislative rule relating to regulation of heating, ventilating, and cooling work; relating to authorizing the Division of Labor to promulgate a legislative rule relating to registration of service persons and service agencies; relating to authorizing the Division of Labor to promulgate a legislative rule relating to registration of weighing and measuring devices used by businesses in commercial transactions; relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to hunting, fishing, and other outfitters and guides; relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to commercial whitewater outfitters; relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to special motorboating regulations; and relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to miscellaneous permits and licenses”; 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 478 - “A Bill to amend and reenact §11-21-12m and §11-21-25 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-24-10a of said code, to amend and reenact §18-30-3 of said code; and to amend and reenact §18-30A-3, §18-30A-10, §18-30A-11, and §18-30A-13 of said code, all relating generally to the Jumpstart Savings Program; clarifying that the entire amount of an account distribution used for certain qualified expenses is subject to reducing personal income tax modification; clarifying that the amount of an account distribution is only subject to reducing personal income tax modification to the extent that the amount is not allowable as certain federal deductions; establishing an increasing personal income tax modification for account distributions used for nonqualified expenses and previously applied toward the reducing personal income tax modification for account contributions; defining terms; providing that an employer may not claim a tax credit for matching contributions to an account if the employer is the account owner or account beneficiary; providing that an employer may not claim both the reducing personal income tax modification and the matching credit for an amount contributed to an employee’s account; permitting employers to claim matching credit for certain amounts allowable as federal tax deductions; eliminating a definition related to an obsolete account; defining terms; expanding the occupations and professions in which an individual may incur qualified expenses; eliminating the minimum deposit required to open an account and for certain opening incentive deposits; authorizing the board to establish a minimum deposit to open an account or for certain opening incentive deposits; establishing retroactive internal effective date of January 1, 2023, for certain provisions; and making technical and clarifying corrections to reporting requirements”; 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. 481 - "A Bill to amend and reenact §5B-2-15 of the Code of West Virginia, 1931, as amended, relating to extending the sunset provision of the Upper Kanawha Valley Resiliency and Revitalization Program"; 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. 527 - "A Bill to amend and reenact §7-1-3ll of the Code of West Virginia, 1931, as amended, relating to extending the right to receive copies or view, free of charge, copies of the discharge certificate or report of separation from active duty to the family members of persons discharged from the United States Armed Forces"; which was referred to the Committee on Veterans' Affairs and Homeland Security then the Judiciary.

A message from the Senate, by

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

S. C. R. 7, Amending Joint Rules of Senate and House of Delegates.

Resolutions Introduced

Resolutions were introduced and severally referred as follows:

By Delegates Skaff, Griffith, Hornbuckle, Pushkin and Garcia:

H. R. 15 – "Proclaiming that the State of West Virginia supports admitting Washington, D.C. into the Union as a state of the United States of America"; to the Committee on the Judiciary then Rules.

By Delegates Howell, Burkhammer, Clark, Hott, Martin, Nestor, Phillips and Ward:

H. C. R. 39 – "Requesting the Department of Highways study the possibility of turning US 48 into Interstate 66"; to the Committee on Technology and Infrastructure then Rules.

By Delegate Toney:

H. C. R. 40 – "Requesting the Division of Highways name Bridge Number: 41-001/00-004.14 (41A261), (37.95885, -81.48386) locally known as DOROTHY BRIDGE, carrying CR 01 over CLEAR FORK in Raleigh County, the 'USMC Larry Allen "Crocky" Holstein, Jr. Memorial Bridge"; to the Committee on Technology and Infrastructure then Rules.

Special Calendar

Third Reading

Com. Sub. for S. B. 239, Requiring Commissioner of Bureau for Behavioral Health to engage certain providers and leaders to study homeless demographic; 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. 149**), 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: Bridges, Griffith, E. Pritt, Storch and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 239) passed.

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

Com. Sub. for S. B. 243, Requiring substance use disorder inpatient providers to provide transportation to patients; 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. 150**), and there were—yeas 82, nays 13, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Fluharty, Foster, Gearheart, A. Hall, Hanna, Hansen, Hornbuckle, Nestor, Pushkin, Steele, Vance, Walker and Young.

Absent and Not Voting: Bridges, Griffith, E. Pritt, Storch and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 243) 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. 2186, Relating to surgical smoke evacuation; 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. 151**), and there were—yeas 92, nays 3, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Foster, Hardy and Smith.

Absent and Not Voting: Bridges, Griffith, E. Pritt, Storch and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2186) 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. 2821, Relating to taxation of gambling and lottery winnings; 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. 152**), and there were—yeas 72, nays 23, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Barnhart, Burkhammer, Butler, Coop-Gonzalez, Dillon, Dittman, Fast, Ferrell, A. Hall, Hanna, Holstein, Horst, Jennings, Kelly, Kump, Longanacre, Pinson, Ross, Street, Toney, Vance, Ward and Worrell.

Absent and Not Voting: Bridges, Griffith, E. Pritt, Storch and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2821) passed.

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

Com. Sub. for H. B. 2821 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12n, relating to authorizing for taxable years beginning on and after January 1, 2020, a decreasing modification reducing federal adjusted gross income for state personal income tax purposes in amount of certain West Virginia gaming and gambling losses, not to exceed the amount of West Virginia gaming and gambling winnings, for the taxable year; allowing taxpayer to amend previously filed returns for the 2020, 2021, and 2022 tax years to recognize this decreasing modification; providing that based on such amended returns as specified herein, any fines, assessments, penalties, or interest levied thereon are void, and returnable to the taxpayer; requiring detailed records substantiating losses; and placing burden of proving any loss on taxpayer.”

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

H. B. 2839, Making a technical correction regarding an incorrect fund name and clarifying applicability to mine lands governed by SMCRA and the Abandoned Mine Lands 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. 153**), and there were—yeas 94, nays 1, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Vance.

Absent and Not Voting: Bridges, Griffith, E. Pritt, Storch and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2839) 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. 2896, Relating to making West Virginia an Agreement State with the U. S. Nuclear Regulatory Commission; 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. 154**), and there were—yeas 91, nays 4, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Dean, Dillon, A. Hall and Vance.

Absent and Not Voting: Bridges, Griffith, E. Pritt, Storch and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2896) 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. 2993, Relating to rural emergency hospital licensure ; 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. 155**), 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: Bridges, Griffith, E. Pritt, Storch and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2993) 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. 3122, Permitting certain types of rifles using an encapsulated propellant charge that loads from the breech; 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. 156**), 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: Bridges, Griffith, E. Pritt, Storch and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3122) 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. 3200, Authorize DHHR to transfer state facilities to regional mental health centers or intellectual disability facilities ; 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. 157**), 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: Dillon.

Absent and Not Voting: Bridges, Griffith, E. Pritt, Storch, Ward and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3200) passed.

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

On this question, the yeas and nays were taken (**Roll No. 158**), 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: Dillon.

Absent and Not Voting: Bridges, Griffith, E. Pritt, Storch, Ward and Willis.

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. 3200) 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. 3308, Authorizing PSC consider and issue financing orders to certain utilities to permit the recovery of certain costs through securitization via consumer rate relief bonds; 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. 159**), 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: Dillon.

Absent and Not Voting: Bridges, Griffith, Nestor, E. Pritt, Storch and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3308) passed.

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

On this question, the yeas and nays were taken (**Roll No. 160**), 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: Dillon.

Absent and Not Voting: Bridges, Griffith, Nestor, E. Pritt, Storch and Willis.

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. 3308) 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. 3317, Relating to removing specific continuing education requirements; 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. 161**), and there were—yeas 89, nays 5, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Keaton, Riley, Smith, Steele and Vance.

Absent and Not Voting: Bridges, Griffith, Nestor, E. Pritt, Storch and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3317) passed.

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

On this question, the yeas and nays were taken (**Roll No. 162**), 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: Vance.

Absent and Not Voting: Bridges, Griffith, Nestor, E. Pritt, Storch and Willis.

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. 3317) 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

S. B. 275, Adding State Fire Marshals to statute included with law enforcement and first responders that receive information on school safety requirements; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for H. B. 2062, Establish rules and regulations for e-bikes in West Virginia that more closely comport to federal law; 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. 2515, Require agencies to develop and maintain an inventory of available services for single parents wanting to obtain degrees, secure training or reenter the workforce; 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. 2587, To reflect that County Sheriffs will be required to include a breakdown of the distribution of where a citizens taxes will be paid; 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. 2638, Authorizing certain agencies of the Department of Administration to promulgate legislative rules; 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. 2640, Authorizing certain agencies of the Department of Environmental Protection to promulgate legislative rules; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Kimble, and by unanimous consent, the bill was advanced to third reading with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

Com. Sub. for H. B. 2820, To provide HOPE Scholarship recipients with the ability to play sports; 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. 3012, To encourage economic development regarding rare earth elements and critical minerals, as defined, by providing temporary severance tax relief; 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. 3110, Relating to funding the Office of Oil and Gas in the Department of Environmental Protection; on second reading, coming up in regular order, was reported by the Clerk.

On motion of Delegate Kimble, the bill (Com. Sub. for H. B. 3110) was recommitted to the Committee on Finance.

Com. Sub. for H. B. 3168, Ensuring investment in WV Tourism is competitive with other states and accessible long term; 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. 3190, Amending the definition of "minor"; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3192, Abolishing the Center for Nursing and transferring its duties and authorities to the Higher Education Policy Commission; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3215, Relating to land use; on second reading, coming up in regular order, was reported by the Clerk.

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

H. B. 3218, Relating to requiring suicide prevention resources be printed on student identification cards; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3286, Relating to an additional modification decreasing federal taxable income; 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. 3293, Relating generally to identifying and educating exceptional children exhibiting indicators or diagnosed with dyslexia or dyscalculia; 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. 3318, Relating to location of services provided by the Workforce Development Board as related to the one-stop delivery system; on second reading, coming up in regular order, was read a second time.

On motion of Delegate McGeehan, the bill was amended on page 3, section 4, line 69 by striking paragraph (D) in its entirety and inserting a new (D) to read as follows:

“(D) Notwithstanding the entirety of this section, the board will develop policies that ensure the one-stop delivery system prioritizes delivery of services, to include case management services, unemployment services, job services, and all other services encompassed and incorporated by the WIOA, to include the local area of the service seeking resident and from outside the resident’s local area. This shall include making local services from a resident’s local area and physical location be made an option, where such option may not be made available where local representatives are not available.”

The bill was then ordered to engrossment and third reading.

H. B. 3328, Authorizing the Hatfield-McCoy Regional Recreation Authority to contract to build and maintain trails on privately owned property; on second reading, coming up in regular order, was read a second time.

An amendment sponsored by Delegate Dillon was reported by the Clerk, which amendment was withdrawn.

The bill was ordered to engrossment and third reading.

Leaves of Absence

At the request of Delegate Kimble, and by unanimous consent, leaves of absence for the day were granted Delegates Bridges, Griffith, E. Pritt, Storch and Willis.

Miscellaneous Business

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

H. B. 2035: Delegate Keaton;

H. B. 2089: Delegate Hornby;

H. B. 2900: Delegate Pinson;

H. B. 3075: Delegate Foster;

H. B. 3233: Delegate Hott;

H. B. 3493: Delegate Martin;

H. B. 3494: Delegates Ferrell, Heckert, Hott, Steele, Willis and Zatezalo;

H. B. 3503: Delegates Coop-Gonzalez, Hanna, Hornby, Horst, Keaton, Kirby, Longanacre, McGeehan and Phillips;

H. C. R. 15: Delegate Mazzocchi;

And,

H. J. R. 25: Delegate Mazzocchi.

Pursuant to House Rule 94b, a form was filed with the Clerk's Office to be removed as a cosponsor of the following:

H. B. 3230: Delegate Heckert.

At 12:44 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 16, 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 16, 2023

37th Day

11:00 A. M.

THIRD READING

- S. B. 275 - Adding State Fire Marshals to statute included with law enforcement and first responders that receive information on school safety requirements (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2062 - Establish rules and regulations for e-bikes in West Virginia that more closely comport to federal law (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2515 - Require agencies to develop and maintain an inventory of available services for single parents wanting to obtain degrees, secure training or reenter the workforce (PHILLIPS) (REGULAR)
- Com. Sub. for H. B. 2587 - To reflect that County Sheriffs will be required to include a breakdown of the distribution of where a citizens taxes will be paid (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2638 - Authorizing certain agencies of the Department of Administration to promulgate legislative rules (CAPITO) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2640 - Authorizing certain agencies of the Department of Environmental Protection to promulgate legislative rules (CAPITO) (EFFECTIVE FROM PASSAGE) [RIGHT TO AMEND]
- Com. Sub. for H. B. 2820 - To provide HOPE Scholarship recipients with the ability to play sports (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 3012 - To encourage economic development regarding rare earth elements and critical minerals, as defined, by providing temporary severance tax relief (CRISS) (REGULAR)
- Com. Sub. for H. B. 3168 - Ensuring investment in WV Tourism is competitive with other states and accessible long term (CRISS) (REGULAR)
- Com. Sub. for H. B. 3190 - Amending the definition of "minor" (CAPITO) (REGULAR)
- H. B. 3192 - Abolishing the Center for Nursing and transferring its duties and authorities to the Higher Education Policy Commission (CRISS) (JULY 1, 2023)
- H. B. 3218 - Relating to requiring suicide prevention resources be printed on student identification cards (ELLINGTON) (REGULAR)

- H. B. 3286 - Relating to an additional modification decreasing federal taxable income (CRISS) (REGULAR)
- Com. Sub. for H. B. 3293 - Relating generally to identifying and educating exceptional children exhibiting indicators or diagnosed with dyslexia or dyscalculia (ELLINGTON) (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)
- H. B. 3328 - Authorizing the Hatfield-McCoy Regional Recreation Authority to contract to build and maintain trails on privately owned property (HOWELL) (REGULAR)

SECOND READING

- H. B. 3215 - Relating to land use (HOWELL) (REGULAR)

FIRST READING

- Com. Sub. for S. B. 89 - Requiring hospitals to staff qualified personnel to perform sexual assault forensic exams (SUMMERS) (REGULAR) [HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING]
- Com. Sub. for H. B. 2150 - Requiring parents or guardians to participate in programs for juveniles in an out-of-home placement (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2498 - To require medication-assisted treatment programs to have written policies concerning community relations (SUMMERS) (REGULAR)
- Com. Sub. for H. B. 2848 - Water and Sewer Operator licensing reciprocity (SUMMERS) (REGULAR)
- Com. Sub. for H. B. 3101 - Relating to notification of breast density (SUMMERS) (REGULAR)
- Com. Sub. for H. B. 3147 - To create the Upper Ohio Valley Trail Network (HOWELL) (REGULAR)
- H. B. 3428 - Relating to the West Virginia Business Ready Sites Program (HOWELL) (REGULAR)
- H. B. 3430 - To prohibit the bureau from assessing a fee upon local health departments (SUMMERS) (REGULAR)

HOUSE CALENDAR

Thursday, February 16, 2023

37th Day

11:00 A. M.

THIRD READING

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

SECOND READING

Com. Sub. for S. B. 188 - Grid Stabilization and Security Act of 2023 (HOWELL) (REGULAR)

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)

Com. Sub. for H. B. 2471 - Relating to the suspension of driver's license for unpaid tickets (CAPITO) (REGULAR)

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

WEST VIRGINIA HOUSE OF DELEGATES

THURSDAY, FEBRUARY 16, 2023

HOUSE CONVENES AT 11:00 A.M.

**WORKFORCE DEVELOPMENT
9:00 A.M. – ROOM 215-E**

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

**JAILS AND PRISONS
9:30 A.M. – ROOM 410-M**

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

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

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

**COMMITTEE ON HEALTH AND HUMAN RESOURCES
3:00 P.M. – ROOM 215-E**

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

**COMMITTEE ON EDUCATION
4:00 P.M. – ROOM 432-M**

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