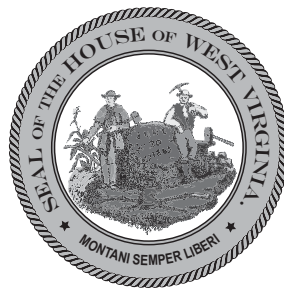


West Virginia Legislature

JOURNAL  
of the  
HOUSE of DELEGATES

Eighty-Sixth Legislature  
First Regular Session

Held at Charleston  
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February 16, 2023  
THIRTY-SEVENTH DAY



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Thursday, February 16, 2023

**THIRTY-SEVENTH 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 Wednesday, February 15, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

Your Committee on Education has had under consideration:

**H. J. R. 17**, Providing for the election of members of the State Board of Education,

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 resolution (H. J. R. 17) was referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration:

**H. B. 3046**, Fast Track for Agriculture Education Endorsement,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3046** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-43, relating to the creation of the Fast Track for Agriculture Education Endorsement Program,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Education has had under consideration:

**H. B. 3547**, Increasing the number of personal leave days that county board of education employees may use,

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference to the Committee on Finance be dispensed with.

In the absence of objection, reference of the bill (H. B. 3547) to the Committee on Finance was abrogated.

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. 2619**, Amending Hope Scholarship eligibility,

And,

**H. B. 3371**, Relating to federal funds for land-grant institutions,

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. 2619 and H. B. 3371) 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. 3223**, To create a Special Education Instructor Entitlement,

And,

**H. B. 3546**, Providing for contracted employment of substitute teachers for 180 instructional days,

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, H. B. 3223 was referred to the Committee on Finance and, pursuant to House Rule 80, the Speaker also referred H. B. 3546 to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration:

**H. B. 3353**, Relating to the limitations on the financial relationships with foreign entities that have values antithetical to those of 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 the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 3353) was referred to the Committee on the Judiciary.

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

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3092** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-2-18, relating to in-state food service permit reciprocity; providing no additional fees; clarifying application procedure and conditions; and providing a requirement to review and modernize legislative rules,”

With the recommendation that the committee substitute 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. 2955**, Relating to the establishment and operation of regional water, wastewater and stormwater authorities,

And,

**Com. Sub. for H. B. 3278**, Relating to the practice of optometry,

And reports the same back with the recommendation that they each do pass.

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

Your Committee on Education has had under consideration:

**H. B. 2607**, Clarify that vehicles with a capacity larger than 10 passengers may be used to transport students provided that no more than 10 passengers may be transported at one time,

**H. B. 3376**, Relating to changing the term teacher in residence to clinical teacher of record,

**H. B. 3408**, To clean up statutory provisions regarding the Hope Scholarship program to better reflect the intent and operation of the program,

**H. B. 3441**, Revising the training requirements for members of the Higher Education Policy Commission, Council for Community and Technical College Education and the institutional governing boards,

**H. B. 3548**, Relating to teacher duty-free lunch and daily planning periods,

And,

**H. B. 3549**, Relating to classroom teachers and special education classroom teachers individualized education program requirements,

And reports the same back with the recommendation that they each do pass.

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

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

**H. B. 3114**, Deny severance pay to employees of DOT for failure or refusal of drug testing,

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. 3114) was referred to the Committee on the Judiciary.

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

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

**H. B. 2035**, Providing tax credits for hiring those in recovery for substance abuse,

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. 2035) was referred to the Committee on Finance.

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

Your Committee on Political Subdivisions has had under consideration:

**H. B. 2939**, Relating to filing of lien by municipalities for collection of refuse fees,

**H. B. 3206**, To establish a system to remediate fiscal emergencies of local governments, and to modernize the process for dissolution of municipal corporations in this State,

**H. B. 3230**, Allow the mayors of class three and four towns to also serve as the chief of police,

And,

**H. B. 3435**, To revise the process for political subdivision to combine,

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. 2939, H. B. 3206, H. B. 3230 and H. B. 3435) were each referred to the Committee on the Judiciary.

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

Your Committee on Political Subdivisions has had under consideration:

**H. B. 3075**, To clarify that municipal B&O taxes shall only apply to the owner of a contract, and not to subcontractors on a project,

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. 3075) 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. C. R. 15**, Requesting That the Joint Committee on Government and Finance send official correspondence to West Virginia's federal delegations stating West Virginia veterans' concerns and objections to the two TRICARE for Life ("TFL") proposals,

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

In accordance with the former direction of the Speaker, the resolution (H. C. R. 15) was referred to the Committee on Rules.

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. 2860**, To dispose of old AFFF foam accumulated by fire departments.

And,

**H. B. 3026**, To allow volunteer fire fighters to participate on fire scenes with department training captain approval prior to completing fireman 1 and 2,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2860 and H. B. 3026) were each referred to the Committee on Government Organization.

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. 2760**, To allow CPR fire fighters to drive ambulances when both attendants are needed to administer patient care.

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 Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 2760) was referred to the Committee on Government Organization.

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. 3153**, Relating to distribution of certain taxes and surcharges to benefit volunteer and part-volunteer fire departments and emergency medical services providers,

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. 3153) 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. 3370**, Creating loan program for certain properties and developments on U. S. Army Corps of Engineers land, state parks and resorts,

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. 3370) 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. 3166**, To permit a hospital to hold a patient experiencing a psychiatric emergency for up to 72 hours,

And,

**Com. Sub. for S. B. 10**, Campus Self-Defense Act,

And reports the same back with the recommendation that they each do pass.

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

Your Committee on Finance has had under consideration:

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

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2900** - "A Bill to amend and reenact §7-14D-24a of the Code of West Virginia, 1931, as amended, relating to the Deputy Sheriff Retirement System; allowing certain retired members to be re-employed without the suspension of annuity benefits; and setting forth conditions for the re-employment of retired members,"

**H. B. 2917**, Relating to allowing retired state employees who meet the minimum qualifications necessary, to render post-retirement employment with the Department of Health and Human Resources,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2917** - "A Bill to amend and reenact §5-10-48 of the code of West Virginia, 1931, as amended, relating to allowing certain retired state employees to render certain post-retirement employment with the Department of Health and Human Resources under certain circumstances,"

**H. B. 3005**, Relating to accelerating the conversion of the state excise tax on the privilege of transferring real property into a county excise tax,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3005** - "A Bill to amend and reenact §11-22-2 of the Code of West Virginia, 1931, as amended, relating to accelerating the conversion of the state excise tax on the privilege of transferring real property into a county excise tax,"

**Com. Sub. for H. B. 3110**, Relating to funding the Office of Oil and Gas in the Department of Environmental Protection,

And reports back a revised committee substitute therefor, as follows:

**Revised Com. Sub. for H. B. 3110** - "A Bill to amend and reenact §11-13A-5a of the Code of West Virginia, 1931, as amended, and to amend and reenact §22-6-2, §22-6-29, and §22-6A-7 of said code; all relating to funding the Office of Oil and Gas in the Department of Environmental Protection; providing for the apportionment of three fourths of one percent of oil and gas

severance taxes to Office of Oil and Gas; establishing three tiers of annual oversight fees for certain wells producing more than 10,000 cubic feet of gas per day; increasing the expedited permit modification fee by \$2500 over the current level; eliminating the one million dollar cap on deposits to the Oil and Gas Operating Permit and Processing Fund from collections of fees for expedited permits and expedited permit modifications; providing that those fees, if not used for other purposes, may be moved to the Oil and Gas Reclamation Fund; and making technical corrections”,

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

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3148** - “A Bill to amend and reenact §8-22-16 and §8-22-20 of the Code of West Virginia, 1931, as amended, all relating to financing options for municipal policemen’s and firemen’s pensions and relief funds; prohibiting municipalities from using the conservation method of financing for their municipal policemen’s and firemen’s pension and relief funds; and providing that certain municipalities may convert to either the optional method or optional II method of financing under certain circumstances,”

And,

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

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3233** - “A Bill to amend and reenact §15-1B-11 of the Code of West Virginia, 1931, as amended, relating generally to uniform and equipment allowances for the National Guard,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Finance has had under consideration:

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

**H. B. 2937**, To reduce the business license fee for WV Volunteer Fire Departments to \$250,

And,

**H. B. 3340**, To revise the West Virginia Tax Increment Financing Act,

And reports the same back with the recommendation that they 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. 3315**, Relating generally to readiness enhancement and commission bonuses,

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. 3315) was referred to the Committee on Finance.

### **Messages from the Executive**

A communication from His Excellency, the Governor, advised that on February 15, 2023, he approved **Com. Sub. for H B. 2530** and **H. B. 2533**.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 2412**, Declaring November 14 every year, a special Memorial Day in remembrance of the Marshall University airplane crash.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

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

A message from the Senate, by

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

**Com. Sub. for S. B. 467** - "A Bill to amend and reenact §7-7-4 of the Code of West Virginia, 1931, as amended, relating to providing county commissioners an ongoing mechanism to consider compensation increases for elected officials every two years"; which was referred to the Committee on Government Organization.

### **Resolutions Introduced**

Resolutions were introduced and severally referred as follows:

**By Delegates Howell, Clark, Crouse, DeVault, Dittman, Fehrenbacher, A. Hall, Hanna, Hornbuckle, Hornby, Hott, Marple, Pinson, Sheedy, Skaff, Storch, Street, Thorne and Willis:**

**H. C. R. 38** – "Requesting that the Joint Committee on Government and Finance engage in a study concerning the construction of welcome centers on roads that are part of the Appalachian Development Highways system"; to the Committee on Technology and Infrastructure then Rules.

**By Delegate Linville:**

**H. C. R. 41** – “Requesting the Division of Highways name bridge number 06-049/00-008.51 (06A239), locally known as the Decker Adkins Bridge, carrying County Road 49 over Madison Creek in Cabell County, the ‘U. S. Army PFC Herman H. Lucas Memorial Bridge’”; to the Committee on Technology and Infrastructure then Rules.

**By Delegates Ellington, Gearheart and Smith:**

**H. C. R. 42** – “Requesting the Division of Highways name Bridge Numbers: 28-077/00-010.89 (NB & SB) (28A200, 28A201), (37.38675, -81.05430) locally known as I-77 NB & SB OVER WV 20, carrying IS 77 over Mercer County Route 20 in Mercer, the ‘U. S. Army SSG William Joseph “Will” Thompson Memorial Bridge’”; to the Committee on Technology and Infrastructure then Rules.

**By Delegate Westfall:**

**H. C. R. 43** – “Requesting the Division of Highways name Bridge Number: 18-021/22-003.26 (18A089), {38.83606,-81.67273} locally known as SYCAMORE BRIDGE #3 (SSWB), carrying CR 21/22 over SYCAMORE CREEK in Jackson county, the ‘U. S. Navy Quartermaster C. E. “Red” Landfried Memorial Bridge’”; to the Committee on Technology and Infrastructure then Rules.

**By Delegates Fast and Brooks:**

**H. C. R. 44** – “Requesting the Division of Highways name bridge number 10-041/00-000.29 (10A065), (37.85603, -81.06700) locally known as Strecherneck Bridge, carrying WV 41 over the CSX Railroad in Fayette County, the ‘U. S. Army PV2 Harold Richard Plumley Memorial Bridge’”; to the Committee on Technology and Infrastructure then Rules.

**Motions**

Delegate Kelly asked and obtained unanimous consent to return to the Third Order of Business for further consideration of H. B. 3353.

Delegate Kelly then asked and obtained unanimous consent to return to further consideration of H. B. 3353.

In the absence of objection, second reference of the bill (H. B. 3353) to the Committee on the Judiciary was abrogated.

**Special Calendar****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; 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. 163**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Bridges and Hanna.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 275) passed.

**Com. Sub. for H. B. 2062**, Establish rules and regulations for e-bikes in West Virginia that more closely comport to federal law; 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. 164**), 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: Brooks, Burkhammer, Kump, C. Pritt, Pushkin, Ridenour, Street, Vance and Ward.

Absent and Not Voting: Barnhart, Bridges, Hanna and Hite.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2062) passed.

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

Delegate Ellington having raised a point of order regarding a title amendment for S. B. 275, the Speaker ruled the point well taken.

Whereupon,

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

**S. B. 275** – “A Bill to amend and reenact §18-9F-10 of the Code of West Virginia, 1931, as amended, relating to adding State Fire Marshals to the list of persons who receive information related to school safety requirements.”

*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. 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 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. 165**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Barnhart, Bridges and Hanna.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2515) 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. 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 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. 166**), 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: Barnhart, Bridges, Hanna and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2587) 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. 2638**, Authorizing certain agencies of the Department of Administration to promulgate legislative rules; 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. 167**), 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: Barnhart, Bridges, Hanna and Jennings.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2638) passed.

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

On this question, the yeas and nays were taken (**Roll No. 168**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Barnhart, Bridges and Hanna.

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. 2638) 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. 2640**, Authorizing certain agencies of the Department of Environmental Protection to promulgate legislative rules; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

On motion of Delegates Howell and Riley, the bill was amended on page 3, subsection g, line 41, by striking the period and inserting in lieu thereof the following:

“with the following amendment:

On page 2, after subdivision 4.1.b., by inserting a new subdivision 4.1.c. to read as follows:

“4.1.c. This project shall give priority to structures near highly visible traffic areas, tourism corridors, and/or common open space.” ”

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

Delegate Espinosa requested to be excused from voting under the provisions of House Rule 49.

The Speaker ruled that the potential impact would not be direct and that the Delegate was a member of a class of persons possibly to be affected, and directed the Member to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 169**), 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: Dillon, Vance and Ward.

Absent and Not Voting: Barnhart, Bridges, Hanna, Jennings and Storch.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2640) passed.

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

On this question, the yeas and nays were taken (**Roll No. 170**), and there were—yeas 93, nays 3, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Dillon, Vance and Ward.

Absent and Not Voting: Barnhart, Bridges, Hanna and Storch.

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. 2640) 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. 2820**, To provide HOPE Scholarship recipients with the ability to play sports; 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. 171**), and there were—yeas 73, nays 23, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Dean, Ferrell, Fluharty, Garcia, Hansen, Hite, Hornbuckle, Kump, Marple, E. Pritt, Pushkin, Reynolds, Riley, Sheedy, Skaff, Storch, Toney, Vance, Walker, Westfall, Williams, Young and Mr. Speaker.

Absent and Not Voting\*: Barnhart, Bridges, Hanna and Longanacre.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2820) passed.

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

\*Delegate Heckert subsequently announced that his vote did not register on Roll No. 171 and the Speaker directed that the Delegate be recorded in the affirmative.

**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 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. 172**), and there were—yeas 91, nays 7, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Brooks, Coop-Gonzalez, Dean, Dillon, Kirby, Longanacre and Vance.

Absent and Not Voting: Bridges and Hanna.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3012) 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. 3168**, Ensuring investment in WV Tourism is competitive with other states and accessible long term; 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. 173**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Dillon, A. Hall and Vance.

Absent and Not Voting: Bridges and Hanna.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3168) 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. 3190**, Amending the definition of “minor”; 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. 174**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Bridges and Hanna.



So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3190) passed.

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

**H. B. 3190** - “A Bill to amend and reenact §61-3C-14b, §61-8A-1, and §61-14-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §61-8-32, all relating to crimes involving minors; amending the definition of minors; clarifying that certain law-enforcement personnel purporting to be a minor may be included in prosecuting certain crimes against minors; creating new criminal offenses and penalties for solicitation of a minor, or purported minor, and traveling to engage the minor, or purported minor, in specified illegal activity; and making technical corrections.”

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

**H. B. 3192**, Abolishing the Center for Nursing and transferring its duties and authorities to the Higher Education Policy 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. 175**), 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: Dillon, A. Hall and Vance.

Absent and Not Voting: Bridges, Foster, Hanna, Linville and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3192) passed.

Delegate Kelly moved that the bill take effect July 1, 2023.

On this question, the yeas and nays were taken (**Roll No. 176**), 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: Dillon, A. Hall and Vance.

Absent and Not Voting: Bridges, Foster, Hanna, Linville and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3192) takes effect July 1, 2023.

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

**H. B. 3218**, Relating to requiring suicide prevention resources be printed on student identification cards; 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. 177**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Hanna, Linville and Storch.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3218) 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. 3286**, Relating to an additional modification decreasing federal taxable income; 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. 178**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Hanna and Storch.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3286) 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. 3293**, Relating generally to identifying and educating exceptional children exhibiting indicators or diagnosed with dyslexia or dyscalculia; 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. 179**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Bridges and Hanna.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3293) 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. 3318**, Relating to location of services provided by the Workforce Development Board as related to the one-stop delivery system; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 180**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Foster.

Absent and Not Voting: Bridges, Hanna and Kirby.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3318) 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. 3328**, Authorizing the Hatfield-McCoy Regional Recreation Authority to contract to build and maintain trails on privately owned property; 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. 181**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Hanna, Kirby and Linville.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3328) passed.

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

### **Second Reading**

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

Delegate Kelly asked unanimous consent the bill be postponed one day.

Delegate Foster requested the bill be advanced to third reading with amendments pending.

The bill was then postponed one day.

### **First Reading**

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

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

**Com. Sub. for H. B. 2150**, Requiring parents or guardians to participate in programs for juveniles in an out-of-home placement,

**Com. Sub. for H. B. 2498**, To require medication-assisted treatment programs to have written policies concerning community relations,

**Com. Sub. for H. B. 2848**, Water and Sewer Operator licensing reciprocity,

**Com. Sub. for H. B. 3101**, Relating to notification of breast density,

**Com. Sub. for H. B. 3147**, To create the Upper Ohio Valley Trail Network,

**H. B. 3428**, Relating to the West Virginia Business Ready Sites Program,

And,

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

#### **Leaves of Absence**

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

#### **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. 2092**: Delegate Hornby;

**H. B. 2567**: Delegates Coop- Gonzalez, Foggin and Kump;

**H. B. 2619**: Delegate C. Pritt;

**H. B. 2827**: Delegate Espinosa;

**H. B. 2842**: Delegate Martin;

**H. B. 2862**: Delegate Keaton;

**H. B. 2875**: Delegate Kimble;

**H. B. 3018**: Delegate Fast;

**H. B. 3094**: Delegate Hornbuckle;

**H. B. 3214**: Delegate Jennings;

**H. B. 3305**: Delegates Hornby and Linville;

**H. B. 3408**: Delegates Clark and Hornby;

**H. B. 3443**: Delegate Ridenour;

**H. B. 3457**: Delegate Hillenbrand;

**H. B. 3494**: Delegate Storch;

**H. B. 3505**: Delegate Crouse;

**H. B. 3546**: Delegate Willis;

**H. B. 3547**: Delegate Toney;

**H. B. 3548:** Delegate Toney;

**H. B. 3549:** Delegate Toney;

And,

**H. J. R. 25:** Delegate Dillon.

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

**H. B. 2862:** Delegates Hott, Kelly and Riley;

**H. B. 3340:** Delegate Riley;

And,

**H. J. R. 17:** Delegates Clark, Hornby and Willis.

At 12:54 p.m., the House of Delegates adjourned until 9:00 a.m., Friday, February 17, 2023.

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



## **SPECIAL CALENDAR**

**Friday, February 17, 2023**

**38<sup>th</sup> Day**

**9:00 A. M.**

### **SECOND 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. 3215 - Relating to land use (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)

### **FIRST READING**

- Com. Sub. for S. B. 10 - Campus Self-Defense Act (CAPITO) (EFFECTIVE FROM PASSAGE)
- H. B. 2283 - Relating to authorized expenditures of revenues from certain state funds for fire departments (CRISS) (REGULAR)
- H. B. 2607 - Clarify that vehicles with a capacity larger than 10 passengers may be used to transport students provided that no more than 10 passengers may be transported at one time (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2900 - Relating to the Deputy Sheriff Retirement System (CRISS) (REGULAR)

- Com. Sub. for H. B. 2917 - Relating to allowing retired state employees who meet the minimum qualifications necessary, to render post-retirement employment with the Department of Health and Human Resources (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 2937 - To reduce the business license fee for WV Volunteer Fire Departments to \$250 (CRISS) (JULY 1, 2023)
- H. B. 2955 - Relating to the establishment and operation of regional water, wastewater and stormwater authorities (PHILLIPS) (REGULAR)
- Com. Sub. for H. B. 3005 - Relating to accelerating the conversion of the state excise tax on the privilege of transferring real property into a county excise tax (CRISS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 3046 - Fast Track for Agriculture Education Endorsement (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 3092 - Relating to in-state food service permit reciprocity (PHILLIPS) (REGULAR)
- Rev. Com. Sub. for H. B. 3110 - Relating to funding the Office of Oil and Gas in the Department of Environmental Protection (CRISS) (REGULAR)
- Com. Sub. for H. B. 3148 - Relating to financing municipal policemen's and firemen's pension and relief funds (CRISS) (REGULAR)
- H. B. 3166 - To permit a hospital to hold a patient experiencing a psychiatric emergency for up to 72 hours (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3233 - Relating generally to uniform and equipment allowances for the National Guard (CRISS) (REGULAR)
- Com. Sub. for H. B. 3278 - Relating to the practice of optometry (PHILLIPS) (REGULAR)
- H. B. 3340 - To revise the West Virginia Tax Increment Financing Act (CRISS) (REGULAR)
- H. B. 3353 - Relating to the limitations on the financial relationships with foreign entities that have values antithetical to those of the State of West Virginia (PHILLIPS) (REGULAR)
- H. B. 3376 - Relating to changing the term teacher in residence to clinical teacher of record (ELLINGTON) (REGULAR)
- H. B. 3408 - To clean up statutory provisions regarding the Hope Scholarship program to better reflect the intent and operation of the program (ELLINGTON) (REGULAR)



- H. B. 3441 - Revising the training requirements for members of the Higher Education Policy Commission, Council for Community and Technical College Education and the institutional governing boards (ELLINGTON) (REGULAR)
- H. B. 3547 - Increasing the number of personal leave days that county board of education employees may use (ELLINGTON) (REGULAR)
- H. B. 3548 - Relating to teacher duty-free lunch and daily planning periods (ELLINGTON) (REGULAR)
- H. B. 3549 - Relating to classroom teachers and special education classroom teachers individualized education program requirements (ELLINGTON) (REGULAR)



**HOUSE CALENDAR**

**Friday, February 17, 2023**

**38<sup>th</sup> Day**

**9:00 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**

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**FRIDAY, FEBRUARY 17, 2023**

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**HOUSE CONVENES AT 9:00 A.M.**

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**COMMITTEE ON RULES  
8:45 A.M. – BEHIND CHAMBER**

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

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**MONDAY, FEBRUARY 20, 2023**

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**PUBLIC HEARING  
COMMITTEE ON THE JUDICIARY  
9:00 A.M. – HOUSE CHAMBER**

**H. B. 3270, TO AMEND THE DELIBERATE INTENT STATUTE TO LIMIT  
NONECONOMIC DAMAGES TO \$250,000.**

**COMMITTEE ON THE JUDICIARY  
10:15 A.M. – ROOM 410-M**





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