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FORTY-FIRST DAY

Monday, February 20, 2023

FORTY-FIRST DAY

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

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

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

The Clerk proceeded to read the Journal of Friday, February 17, 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 Householder announced that H. B. 3430, on Second Reading, Special Calendar, had been transferred to the House Calendar.

Committee Reports

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. 3300, To provide for the creation of an “EV Manufacturers Investment Credit”,

And,

H. B. 3305, Creating the Small Business and Entrepreneurship Act,

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. 3300 and H. B. 3305) 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. 3444, Relating to the creation of the West Virginia Semiquincentennial Commission and Fund,

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

In the absence of objection, reference of the bill (H. B. 3444) to the Committee on Government Organization was abrogated.

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. 3442, Creating of the Mountain Bike Responsibility 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 the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 3442) was referred to the Committee on the Judiciary.

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. 3342, Relating to cooperation between municipal and county economic,

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. 3342) 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. 3498, Relating to the Consumer Data Protection Act and establishing a framework for controlling and processing personal data in the State,

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. 3498) 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. 3214, To create the Road Optimization & Assessment Data (ROAD) Pilot Project,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3214 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-25, relating to creation of the 'Road Optimization and Assessment Data (R.O.A.D.) Pilot Program'; legislative findings and purpose;

Commissioner of Highways to promulgate rules; and specifics to be contained in rules to determine how best to maintain roads and highways,”

With the recommendation that the committee substitute do pass.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. C. R. 2, Cpl. Billy F. Mann Memorial Bridge,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. C. R. 2 - “Requesting the Division of Highways name bridge number 32-023/03-000.17 (32A097), locally known as Cooks Fort Bridge, carrying CR 23/3 over Indian Creek in Monroe County, the ‘U. S. Army CPL Billy F. Mann Memorial Bridge’,”

With the recommendation that the committee substitute be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolution (Com. Sub. for H. C. R. 2) was referred to the Committee on Rules.

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. 2483, Creating a tax credit for improving facades in historic districts,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2483 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-8i; and to amend said code by adding thereto a new section, designated §11-24-23h, all relating to reducing income tax liability for taxpayers who improve certain building facades in historic districts; providing for a tax credit of the replacement cost of historic facades; providing for a reduction in federal adjusted gross income in certain circumstances for certain replacement costs of historic facades; setting forth conditions; providing for application; and requiring rulemaking,”

H. B. 2759, Relating to updating the health care provider tax,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2759 - “A Bill to amend and reenact §11-27-39 of the Code of West Virginia, 1931, as amended, relating to updating the rate of a certain health care provider tax and expand the practitioners eligible for payment fee schedules,”

H. B. 3409, Relating to authorizing application of the manufacturing investment tax credit and the manufacturing property tax adjustment credit against personal income tax,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3409 - "A Bill to amend and reenact §11-13S-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-13Y-5 of said code, all relating to authorizing application of the manufacturing investment tax credit and the manufacturing property tax adjustment credit against personal income tax; defining terms; deleting superannuated language; specifying application of tax credit; specifying effective date; and making stylistic revisions,"

And,

H. B. 3450, Relating generally to racetrack video lottery and the Licensed Racetrack Modernization Fund,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3450 - "A Bill to amend and reenact §29-22A-10 of the Code of West Virginia, 1931, as amended, all relating to racetrack video lottery; providing for certain transfers to and from the Licensed Racetrack Modernization Fund; and specifying eligible purposes for recoupment of funds on deposit in facility modernization account within the Licensed Racetrack Modernization Fund,"

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. C. R. 4, Jon D. Wayt Memorial Bridge,

H. C. R. 14, Stanley and Evelyn See Memorial Bridge,

H. C. R. 16, Staff Sgt. J.J. "Junior" Spurrier Memorial Bridge,

H. C. R. 21, Michael Lee "Rube" Ruben Memorial Bridge,

H. C. R. 22, U.S. Army T/5 Doyle Bedell Taylor Memorial Bridge,

H. C. R. 24, U. S. Army PFC Herman H. Lucas Memorial Bridge,

H. C. R. 25, U. S. Marine Corps, PFC John Louis "Johnny" Brumbaugh, Jr. Memorial Bridge,

H. C. R. 26, U.S. Army SGT Samuel D. Roberts Sr. Memorial Bridge,

H. C. R. 28, Terra Dawn Lewis Memorial Road and Bridge,

And,

H. C. R. 32, The Albert "Ab" Baisden Memorial Bridge,

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

In accordance with the former direction of the Speaker, the resolutions (H. C. R. 4, H. C. R. 14, H. C. R. 16, H. C. R. 21, H. C. R. 22, H. C. R. 24, H. C. R. 25, H. C. R. 26, H. C. R. 28 and H. C. R. 32) were each referred to the Committee on Rules.

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. 3397, Relating to broadband and political subdivisions,

And,

H. B. 3412, Relating generally to broadband,

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

In accordance with the former direction of the Speaker, the bills (H. B. 3397 and H. B. 3412) were each referred to the Committee on the Judiciary.

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. 3473, Creating a workgroup relating to Dig Once Policy,

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

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

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

H. B. 3487, Relating to cost-sharing calculations for certain Health Savings Account-qualified High Deductible Health Plans,

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. 3487) to the Committee on Finance was abrogated.

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. 3274, Creating the Affordable Medicaid Buy-in Program,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3274 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-31, all relating to requiring the Bureau of Medical Services to apply for waiver,"

With the recommendation that the committee substitute do pass, and with the recommendation that second reference to the Committee on the Judiciary be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for H. B. 3274) to the Committee on the Judiciary was abrogated.

Delegate Worrell, Chair of the Committee on Workforce Development, submitted the following report, which was received:

Your Committee on Workforce Development has had under consideration:

H. C. R. 27, Requesting Joint Committee on Government and Finance study all benefits of state employees to determine which benefits, if any, may be refused by an employee in exchange for a cash equivalent,

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. 27) was referred to the Committee on Rules.

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. 3059, Give PSC authority to fine Class I railroads for safety and operational violations,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3059 - "A Bill to amend and reenact §31-2A-2 of the Code of West Virginia, 1931, as amended; and to amend said Code by adding thereto a new article, designated §24-2G-1, §24-2G-2, §24-2G-3, §24-2G-4, §24-2G-5, §24-2G-6, §24-2G-7, §24-2G-8, §24-2G-9, §24-2G-10, §24-2G-11, §24-2G-12, §24-2G-13, §24-2G-14, §24-2G-15, §24-2G-16, §24-2G-17, §24-2G-18, and §24-2G-19; and to amend said Code by adding thereto a new section designated as §54-1-9a, all relating to railroads; relating to railroad administration powers of the Public Service Commission; providing a definition; clarifying regulation of service applicable to railroads; providing exceptions; allowing for inquiries into management of railroads and investigation into violations of interstate commerce law; allowing for inquiries into neglect or violations of law; authorizing examinations and production of books and papers; providing for forfeiture for refusal to comply with subpoena; requiring annual statement to commission and identification of officers and directors; providing a prohibition against directing a violation of law; creating a duty to provide adequate service and facilities; directing that charges conform to schedule; requiring maintenance

of depots, switches, and sidetracks; recognizing commission's authority over private tracks; prohibiting unlawful preference; prohibiting violations of article; providing rulemaking authority; requiring railroad companies to provide alternative entry and exit ways in certain circumstances; regulating fiber optic broadband lines crossing railroads; legislative findings and purpose; definitions; notice of intent to cross; conditions of crossing; one-time standard cumulative crossing fee; flagging expenses; crossing within another public right of way; crossing abandoned track; petition by railroad to circuit court for relief; petition by broadband provider for relief; and broadband provider crossing of state property that is crossed by a railroad or property managed by the state that is crossed by a railroad,"

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2016, Relating to confidential childcare records,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2016 - "A Bill to amend and reenact §49-5-101 of the Code of West Virginia, 1931, as amended, relating to releasing information to facilitate care of a child; providing for qualified disclosure of confidential information between certain entities; requiring the disclosed records to be maintained in compliance with code; and requiring the department to provide electronic access to certain information,"

H. B. 2567, Relating to felony trespassing,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2567 - "A Bill to amend and reenact §61-3B-2 and §61-3B-3 of the Code of West Virginia, 1931, as amended, relating to creating a misdemeanor criminal penalty for unlawful trespass into the home of another person; creating a felony criminal penalty for second or subsequent offenses of unlawful trespass into the home of another person; creating affirmative defenses to prosecution; providing a definition; and increasing criminal penalties for certain trespass crimes from misdemeanors to felonies,"

H. B. 2648, H. B. 2649, H. B. 2650, H. B. 2651, H. B. 2652, H. B. 2653, H. B. 2654, H. B. 2655, H. B. 2656, H. B. 2657, H. B. 2658, H. B. 2659, H. B. 2660, H. B. 2661, H. B. 2662, H. B. 2663, H. B. 2664, H. B. 2665, H. B. 2648, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to procedures pertaining to the Dangerousness Assessment Advisory Board,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2648 - "A Bill to amend and reenact §64-5-1 *et seq.* of the Code of West Virginia, 1931, as amended, and to amend and reenact §16-12-2 of said code; all relating to generally authorizing certain agencies of the Department of Health and Human Resources to promulgate legislative rules; authorizing the rules as filed, as modified, and as disapproved by the Legislative Rule-Making Review Committee and as amended by the Legislature and directing

certain agencies of the Department of Health and Human Resources to amend current legislative rules; relating to authorizing the Bureau of Public Health to promulgate a legislative rule relating to procedures pertaining to the Dangerousness Assessment Advisory Board; relating to authorizing the Bureau of Public Health to promulgate a legislative rule relating to standards for local boards of health; relating to authorizing the Bureau of Public Health to promulgate a legislative rule relating to medical examiner requirements for postmortem inquiries; relating to authorizing the Bureau of Public Health to promulgate a legislative rule relating to Medical Cannabis Program - grower and processors; relating to authorizing the Bureau of Public Health to promulgate a legislative rule relating to Medical Cannabis Program – dispensaries; relating to authorizing the Health Care Authority to promulgate a legislative rule relating to financial disclosures; relating to authorizing the Health Care Authority to promulgate a legislative rule relating to the Uniform Bill Database; relating to directing the Department of Health and Human Resources to promulgate a legislative rule relating to food establishments; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to development of methodologies to examine needs for substance use disorder treatment facilities within the state; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the Core Behavioral Health Crisis Services System; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to child care centers licensing; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults and vulnerable and transitioning youth group homes and programs in West Virginia; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to family child care facility licensing requirements; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to informal and relative family child care home registration requirements; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to informal and relative family child care home registration requirements; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to out-of-school-time child care center licensing requirements; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to goals for foster children; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to deemed head start child care center licenses; relating to authorizing the Department of Health and Human Resources and the Insurance Commissioner to promulgate a legislative rule relating to All-Payers Claims Database - Submission Manual; and relating to authorizing the Department of Health and Human Resources and the Insurance Commissioner to promulgate a legislative rule relating to All-Payer Claims Database – Data Submission Requirements,”

H. B. 2862, Relating generally to requirements for shareholder voting by the West Virginia Investment Management Board and the Board of Treasury Investments,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2862 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-6-11a; and to amend and reenact §12-6C-13 of said code, all relating generally to requirements for shareholder voting by the West Virginia Investment Management Board and the Board of Treasury Investments; defining terms; setting forth applicability of new requirements; establishing the standard of care for shareholder voting; prohibiting the boards from relying on proxy advisory services unless the service provider agrees to make recommendations according to the standard of care; prohibiting the boards from entrusting direct holdings to any manager unless the manager agrees to cast proxy votes

according to the standard of care; requiring a contractual agreement between the boards and their fiduciaries that the boards be provided advance notice and the opportunity to advise fiduciaries with respect to certain shareholder votes; prohibiting the boards' fiduciaries from casting the shareholder votes for the purpose of furthering non-pecuniary interests; requiring the boards to exercise any proxy voting choice options for indirect holdings according to the standard of care; creating certain waivers of the requirements after reasonable efforts; establishing reporting requirements related to shareholder voting; and creating effective dates,"

H. B. 3341, To allow cigar bars,

And reports back a committee substitute therefor, as follows:

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

And,

H. B. 3479, Creating requirements for use of unmanned aircraft,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3479 - "A Bill to amend and reenact §61-16-1 and §61-16-2 of the Code of West Virginia, 1931, as amended, all relating to unmanned aircraft; adding definitions; requiring compliance with all federal laws and regulations relating to such vehicles; and creating criminal offenses and penalties for certain conduct using an unmanned aircraft system,"

With the recommendation that the committee substitutes each do pass.

On motion for leave, a bill was introduced (Originating in the Committee on Jails and Prisons and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Brooks, Phillips, Honaker and Hott:

H. B. 3552 - "A Bill to amend and reenact §15A-3-16 of the Code of West Virginia, 1931, as amended, relating to per diem jail costs; and providing authority for counties to seek reimbursement from certain municipalities for certain per diem costs."

Messages from the Executive and Other Communications

A communication from His Excellency, the Governor, advised that on February 17, 2023, he approved **H. B. 2835**, **S. B. 4** and **S. B. 241**.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

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

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. 151 - "A Bill to amend and reenact §11-21-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-21-3a; and to amend and reenact §11-21-20 of said code, all relating to levying a tax on a pass-through entity's income apportioned to West Virginia for pass-through entities that elect to pay West Virginia income tax at the entity level; defining terms; imposing a tax on pass-through entities which elect to pay West Virginia income tax at the entity level; authorizing an income tax credit for an owner for such tax paid; providing for a tax credit for income tax paid to another state; and providing effective dates"; which was referred to the Committee on Finance.

A message from the Senate, by

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

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

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. 452 - "A Bill to amend and reenact §16-5V-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-5V-36, all relating to the Emergency Medical Services Retirement System; defining and amending terms related to county firefighters, medical examination, and 911 personnel; and adding a severability section"; which was referred to the Committee on Pensions and Retirement then Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 453 - "A Bill to amend and reenact §18-5G-6 and §18-5G-10 of the Code of West Virginia, 1931, as amended, all relating to public charter schools; providing for successor liability and delinquent retirement contributions; and including retirement contribution payments as payroll obligation in distribution of assets"; which was referred to the Committee on Pensions and Retirement then Finance.

A message from the Senate, by

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

S. B. 458 - "A Bill to amend and reenact §5-10D-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5-10D-14, all relating to the Consolidated Public Retirement Board; setting the rate of interest on delinquent retirement contribution submissions; and prohibiting employer unilateral termination without

legislative action”; which was referred to the Committee on Pensions and Retirement then Finance.

A message from the Senate, by

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

S. B. 474 - “A Bill to amend and reenact §8-33-4b of the Code of West Virginia, 1931, as amended, relating to require the municipal pensions oversight board to propose legislative rules”; 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 579 - “A Bill recognizing and declaring certain claims against agencies of the state to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof”; 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 609 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5D-1-5c, relating to the approval of decommissioning or deconstructing an existing power plant; providing for rule-making authority; and exempting certain power plants from approval requirement”; which was referred to the Committee on Energy and Manufacturing.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules as follows:

S. C. R. 14 - “Supporting the Medal of Valor nominees recommended by the First Responders Honor Board.”

Special Calendar

Third Reading

Com. Sub. for S. B. 89, Requiring hospitals to staff qualified personnel to perform sexual assault forensic exams; 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. 182**), 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, Jeffries, Kirby, Linville, Westfall and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 89) passed.

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

Com. Sub. for S. B. 89 – “A Bill to amend and reenact §15-9B-1a and §15-9B-4 of the Code of West Virginia, 1931, as amended, all relating to sexual assault forensic examinations; defining terms; requiring legislative rules; requiring hospitals to have health care providers available to conduct sexual assault forensic examinations.”

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. 2150, Requiring parents or guardians to participate in programs for juveniles in an out-of-home placement; 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. 183**), and there were—yeas 93, nays 1, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Steele.

Absent and Not Voting: Bridges, Jeffries, Kirby, Linville, Westfall and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2150) 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. 2848, Water and Sewer Operator licensing reciprocity; 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. 184**), 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, Jeffries, Kirby, Linville, Westfall and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2848) 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. 3101, Relating to notification of breast density; 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. 185**), 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, Jeffries, Kirby, Linville, Westfall and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3101) 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. 3147, To create the Upper Ohio Valley Trail Network; 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. 186**), and there were—yeas 92, nays 2, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Dillon and Vance.

Absent and Not Voting: Bridges, Jeffries, Kirby, Linville, Westfall and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3147) 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. 3215, Relating to land use; 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. 187**), and there were—yeas 90, nays 4, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Dillon, Fast, Longanacre and Vance.

Absent and Not Voting: Bridges, Jeffries, Kirby, Linville, Westfall and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3215) 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. 3428, Relating to the West Virginia Business Ready Sites Program; 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. 188**), 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: Dean, Dillon, McGeehan, C. Pritt and Vance.

Absent and Not Voting: Bridges, Jeffries, Kirby, Linville, Westfall and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3428) 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

Com. Sub. for S. B. 10, Campus Self-Defense Act; on second reading, coming up in regular order, was read a second time.

Delegates Hornbuckle and Walker moved to amend the bill on page 37, section 5b, line 57, following the words "study areas" by striking out the period, inserting a colon, and the following proviso:

"*Provided*, That state institutions of higher education may establish residence halls where deadly weapons are prohibited to allow students that do not what to reside in residences where deadly weapon residences are authorized may reside."

Speaker Pro Tempore Espinosa in the Chair

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

Delegates Hansen and Walker moved to amend the bill on page 39, section 5b, lines 102 and 103, by striking out the words "or §61-7-4a".

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

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

H. B. 2283, Relating to authorized expenditures of revenues from certain state funds for fire departments; 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. 2498, To require medication-assisted treatment programs to have written policies concerning community relations; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Nestor, the bill was amended on page 1, by striking subsection (d) in its entirety and inserting in lieu thereof a new subsection (d) to read as follows:

"(d) At least 60 days prior to location or re-location, a medication-assisted treatment program shall publish a Class 1 legal advertisement notifying the residents of the county of its desired location of its intent to begin its operation within. Notice shall also be communicated to the desired location's county commissioners and to the mayor of every municipality within the county by certified mail at least 60 days prior to the program's location or re-location.

(1) In its correspondence to the county commissioners and mayors, a medication-assisted treatment program shall describe its reasons for selecting the location, and shall detail its policies for ensuring that its activities will not disrupt any public or private function of the county or of any municipality therein contained;

(2) Not later than 30 days following receipt of notification, the county commission and the municipality wherein the treatment facility is intended to be located shall convene to discuss whether such location should be permitted. A medication-assisted treatment program may not be allowed locate or relocate to a new location without the express approval of the county commission and the municipality wherein it will be located.”

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2538, Requiring usage of child welfare information technology systems; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

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; 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. 2900, Relating to the Deputy Sheriff Retirement System; on second reading, coming up in regular order, was reported by the Clerk.

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

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; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2937, To reduce the business license fee for WV Volunteer Fire Departments to \$250; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2955, Relating to the establishment and operation of regional water, wastewater and stormwater authorities; 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. 3005, Relating to accelerating the conversion of the state excise tax on the privilege of transferring real property into a county excise tax; 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. 3046, Fast Track for Agriculture Education Endorsement; 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. 3092, Relating to in-state food service permit reciprocity; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Rev. 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 read a second time.

Delegate Hansen moved to amend the bill on page 8, section 2, lines 55 and 56 by striking out the words "of the first 400 wells" and inserting in lieu thereof the words "for each well";

And,

On page 8, Section 2, lines 60 and 61 by striking out the words "of the first 400 wells" and inserting in lieu thereof the words "for each well";

And

On page 9, Section 2, lines 66 and 67 by striking out the words "of the first 4,000 wells" and inserting in lieu thereof the words "for each well".

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

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 3148, Relating to financing municipal policemen's and firemen's pension and relief funds; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3166, To permit a hospital to hold a patient experiencing a psychiatric emergency for up to 72 hours; 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. 3233, Relating generally to uniform and equipment allowances for the National Guard; 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. 3278, Relating to the practice of optometry; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

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; on second reading, coming up in regular order, was reported by the Clerk.

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

H. B. 3376, Relating to changing the term teacher in residence to clinical teacher of record; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

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; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3547, Increasing the number of personal leave days that county board of education employees may use; on second reading, coming up in regular order, was read a second time.

Delegate Foggin moved to amend the bill on page 1, section §18A-4-14, line 17, after the word “notice” by striking the remainder of the sentence.

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

The yeas and nays having been ordered, they were taken (**Roll No. 189**), and there were— yeas 62, nays 31, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Barnhart, Cannon, Clark, Cooper, Dittman, Espinosa, Fast, Fehrenbacher, Ferrell, Foster, Gearheart, W. Hall, Hardy, Hillenbrand, Hite, Hornby, Horst, Hott, Howell, Jennings, Kelly, Longanacre, Martin, Maynor, Mazzocchi, Miller, Reynolds, Riley, Smith, Storch and Thorne.

Absent and Not Voting: Bridges, Jeffries, Kirby, Linville, Westfall, Young and Hanshaw (Mr. Speaker).

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

The bill was then ordered to engrossment and third reading.

H. B. 3548, Relating to teacher duty-free lunch and daily planning periods; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Clark, the bill was amended on page 1, section §18A-4-14, line 5, after the word “employee” by removing the strike-through of the word “shall” and on line 6, by deleting the underscored word “may”.

And,

On page 1, section §18A-4-14, line 12, after the word “county” by removing the strike-through of the word “shall” and deleting the underscored word “may”.

The bill was then ordered to engrossment and third reading.

H. B. 3549, Relating to classroom teachers and special education classroom teachers individualized education program requirements; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

H. B. 2827, Make public charter schools eligible for Safe Schools Funds,

Com. Sub. for H. B. 3337, Prohibiting additional drug and alcohol treatment facilities and services in a certain county,

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

H. B. 3387, Extending the moratorium on the authorization of new convention and visitors bureaus for an additional two years,

H. B. 3391, Establishing filing deadlines for appeals of property tax valuations and issues involving property tax classification and taxability to the West Virginia Office of Tax Appeals,

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. 3427, Relating to consumers sales and service tax and use tax exemption for certain goods to be incorporated into a qualified, new or expanded warehouse or distribution facility,

And,

H. B. 3431, Eliminating the requirement that the apprenticeship training tax credit base be limited to wages paid to apprentices in the construction trades.

Leaves of Absence

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

At 12:53 p.m., on motion of Delegate Householder, the House of Delegates recessed until 4:30 p.m.

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Afternoon Session

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[DELEGATE ESPINOSA, MR. SPEAKER PRO TEMPORE, IN THE CHAIR]

The House of Delegates was called to order by the Honorable Paul Espinosa, Speaker Pro Tempore.

At the request of Delegate Householder, and by unanimous consent, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

On motion for leave, a bill was introduced (Originating in the Committee on Economic Development and Tourism and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegate Howell:

H. B. 3554 - "A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section designated as §8-12-5h; all relating to prohibiting a municipality or the governing body of any municipality from limiting rental of a property in whole or in part, or as a limitation upon the duration, frequency, or location of such rental; providing that a municipality may regulate activities that arise when a property is used as a rental, if applied uniformly; providing exception for imposition of hotel occupancy tax; providing a municipality may restrict the commercial use of

real estate in designated areas through planning or zoning ordinances; and providing damages for violations by municipalities of this prohibition.”

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. 3493, Relating to prohibiting certain foreign ownership of agricultural land,

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. 3482, To create the Coal Fired Grid Stabilization and Security Act of 2023,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3482 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2N-1, §5B-2N-2, §5B-2N-3, and §5B-2N-4; to amend said code by adding thereto a new section, designated §22-5-11b; and to amend and reenact §22B-1-7 of said code, all relating generally to the Coal Fired Grid Stabilization and Security Act of 2023; providing for a short title; making legislative findings and declarations; requiring designation of suitable sites for coal electric generation and reporting to the Division of Air Quality of the West Virginia Department of Environmental Protection and the West Virginia Public Service Commission; requiring construction and operating permits for coal electric generation facilities, including expedited consideration; and requiring prompt consideration of appeals by the Air Quality Board concerning permit issued or denied,”

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. 3035, Relating generally to high-quality education programs and school operations,

And,

H. B. 3368, Troop- to-Teachers,

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. 3035 and H. B. 3368) were each referred to the Committee on Finance.

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. 2910, Making a supplementary appropriation to the Department of Administration, Public Defender Services,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2910 - "A Bill making a supplementary appropriation by adding new items of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Public Defender Services, fund 0226, fiscal year 2023, organization 0221, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023,"

And,

H. B. 3013, Relating to authorizing the Jefferson County Commission to levy a special district excise tax,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3013 - "A Bill to amend and reenact §7-22-9 of the Code of West Virginia, 1931, as amended, relating to authorizing the Jefferson County Commission to levy a special district excise tax; authorizing the special district excise tax for the benefit of the Hill Top House Hotel Economic Opportunity District; setting forth the land area within the special district subject to the special district excise tax; authorizing the commission to create the district and levy the special district excise tax without the approval of the executive director of the development office; authorizing the commission to determine the base district tax, the base tax revenue amount, the gross annual district tax revenue amount and the estimated net annual district tax revenue amount; and requiring the Tax Commissioner to provide the commission with certification of the base tax revenue amount,"

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. 2906, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2023 in the amount of \$21,550,000 from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits,

H. B. 2915, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund,

H. B. 3072, Supplementing and amending appropriations to Department of Homeland Security, Division of Administrative Services,

And,

H. B. 3396, Supplementing, amending, and increasing existing items of appropriation from the State Road Fund to the Department of Transportation, Division of Highways,

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

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

Your Committee on Government Organization has had under consideration:

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

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2760 - "A Bill to amend and reenact §17C-1-6 of the Code of West Virginia, 1931, as amended, relating to permitting firefighters to drive ambulances when both attendants are needed to administer patient care,"

H. B. 3398, Relating to the establishment of the West Virginia Memorial to Fallen Heroes of the Global War on Terrorism,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3398 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §10-3B-1, §10-3B-2, §10-3B-3, §10-3B-4, §10-3B-5, and §10-3B-6, all relating to the establishment of the West Virginia Memorial to Fallen Heroes of the Global War on Terrorism,"

And,

H. B. 3484, Relating to SNAP benefits,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3484 - "A Bill to amend the Code of West Virginia 1931, as amended, by adding thereto a new section, designated §9-8-2a, relating to expanding the employment and training requirements necessary to receive SNAP benefits; defining and developing exemptions; clarifying the Secretary's duties when there is a lack of funding or inability to provide employment and training; and identifying when assignments to the employment and training program may not be suspended,"

With the recommendation that the committee substitutes each do pass.

Delegate Young moved that Com. Sub. for H. B. 3484 be committed to the Committee on Finance.

Delegate Householder moved that the motion be tabled.

On the question that the motion be tabled, the yeas and nays were demanded, which demand was sustained.

Having been ordered, the yeas and nays were taken (**Roll No. 190**), and there were—yeas 73, nays 11, absent and not voting 16, with the nays and the absent and not voting being as follows:

Nays: Fluharty, Garcia, Griffith, Hansen, Marple, E. Pritt, Pushkin, Rowe, Walker, Williams and Young.

Absent and Not Voting: Bridges, Butler, Cooper, Hanna, Hite, Honaker, Hornbuckle, Jeffries, Kirby, Linville, McGeehan, Riley, Rohrbach, Skaff, Westfall and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the motion was laid upon the table.

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. 3303, Clarifying and expanding the powers and duties of the director of the Coalfield Community Development Office,

And,

H. B. 3438, To establish an auto-renewal licensing program that is eligible for discounts on licensing fees,

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. 3303 and H. B. 3438) were each referred 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. 3459, To allow for a best value procurement evaluation for prequalified bidders,

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

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

Your Committee on Government Organization has had under consideration:

H. C. R. 19, Declaring the “pepperoni roll” to be the official state food of West Virginia,

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 Rules.

In accordance with the former direction of the Speaker, the resolution (H. C. R. 19) was referred to the Committee on Rules.

Messages from the Executive and Other Communications

The Clerk announced that Com. Sub. for H. B. 2412, H. B. 2800, H. B. 2882 and Com. Sub. for H. B. 3061 were presented to the Governor on February 20, 2023.

Communications from the Clerk of the Senate to His Excellency, the Governor, advised that Com. Sub. for S. B. 239 and S. B. 275 were presented to the Governor on February 20, 2023.

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. 2845, Relating to removing expired provisions from the code.

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:

Com. Sub. for H. B. 3164, To extend the termination date of the West Virginia Advisory Council on Rare Diseases due to a delay in beginning its duties.

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. 191 - "A Bill to amend and reenact §62-11C-9 of the Code of West Virginia, 1931, as amended, relating to liability for payment of court costs as a condition of a deferred adjudication agreement; correcting a reference to a code section governing deferred prosecution agreements; and declaring that financial inability to pay court costs cannot be a basis for denying a deferred adjudication"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 293 - "A Bill to amend and reenact §59-1-14 of the Code of West Virginia, 1931, as amended, relating to fees charged by sheriffs; increasing maximum fees that the sheriff may charge for serving notices related to tax sales of real property; increasing maximum fees generally; and increasing portion of fees charged by the sheriff directed to the Deputy Sheriff Retirement Fund"; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 303 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-7-18, relating to the creation of the Violent Crime Prevention Act; and requiring law enforcement to submit ballistics data to the National Integrated Ballistic Information Network (NIBIN) for alleged use of firearm in connection with charges for certain crimes”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 455 - “A Bill to amend and reenact §17A-6-1 of the Code of West Virginia, 1931, as amended, relating to modifying requirements for used motor vehicle dealers”; which was referred to the Committee on Technology and Infrastructure.

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. 559 - “A Bill to amend and reenact §57-3-3 of the Code of West Virginia, 1931, as amended, relating to spousal privilege; and expanding the exceptions to spousal privilege to exclude therefrom cases in which the offense at issue was committed against any child rather than a child of one or both spouses”; 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. 568 - “A Bill to amend and reenact §27-6A-13 of the Code of West Virginia, 1931, as amended, relating generally to the Dangerousness Assessment Advisory Board; clarifying the board’s primary purpose; authorizing board to offer its services to the court when requested; providing information and recommendations to the courts; and declaring that the Secretary of the Department of Health and Human Services has no supervisory authority over the board”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 605 - “A Bill to amend and reenact §61-12-3 of the Code of West Virginia, 1931, as amended; relating to requiring the state medical examiner to enter into contracts and agreements with a procurement organization when necessary to facilitate the efficient and economical recovery of anatomical gifts”; which was referred to the Committee on Health and Human Resources.

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. 3018: Delegates Hansen, Holstein and Worrell;

H. B. 3096: Delegate Skaff;

H. B. 3209: Delegate Skaff;

H. B. 3232: Delegate Nestor;

H. B. 3265: Delegate Kump;

H. B. 3305: Delegate Willis;

H. B. 3368: Delegate E. Pritt;

H. B. 3457: Delegate Ridenour;

H. B. 3493: Delegates Horst, Kump and C. Pritt;

H. B. 3498: Delegate Keaton;

H. B. 3544: Delegate Skaff;

H. C. R. 6: Delegate Brooks;

And,

H. R. 15: Delegate Hansen.

At 4:44 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 21, 2023.

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

SPECIAL CALENDAR

Tuesday, February 21, 2023

42nd Day

11:00 A. M.

THIRD 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)
- 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. 2538 - Requiring usage of child welfare information technology systems (SUMMERS) (EFFECTIVE FROM PASSAGE)
- 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. 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. 3376 - Relating to changing the term teacher in residence to clinical teacher of record (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)

SECOND READING

- H. B. 2827 - Make public charter schools eligible for Safe Schools Funds (CRISS) (REGULAR)
- Com. Sub. for H. B. 2900 - Relating to the Deputy Sheriff Retirement System (CRISS) (REGULAR)
- Com. Sub. for H. B. 3337 - Prohibiting additional drug and alcohol treatment facilities and services in a certain county (SUMMERS) (EFFECTIVE FROM PASSAGE)
- 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. 3387 - Extending the moratorium on the authorization of new convention and visitors bureaus for an additional two years (HOWELL) (REGULAR)

- H. B. 3391 - Establishing filing deadlines for appeals of property tax valuations and issues involving property tax classification and taxability to the West Virginia Office of Tax Appeals (CRISS) (EFFECTIVE FROM PASSAGE)
- 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. 3427 - Relating to consumers sales and service tax and use tax exemption for certain goods to be incorporated into a qualified, new or expanded warehouse or distribution facility (CRISS) (REGULAR)
- H. B. 3431 - Eliminating the requirement that the apprenticeship training tax credit base be limited to wages paid to apprentices in the construction trades (CRISS) (REGULAR)

FIRST READING

- Com. Sub. for H. B. 2016 - Relating to confidential childcare records (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2483 - Creating a tax credit for improving facades in historic districts (CRISS) (REGULAR)
- Com. Sub. for H. B. 2567 - Relating to felony trespassing (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2648 - Authorizing certain agencies and boards of the DHHR to promulgate a legislative rule (CAPITO) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2759 - Relating to updating the health care provider tax (CRISS) (REGULAR)
- Com. Sub. for H. B. 2760 - To allow CPR fire fighters to drive ambulances when both attendants are needed to administer patient care (PHILLIPS) (REGULAR)
- Com. Sub. for H. B. 2862 - Relating generally to requirements for shareholder voting by the West Virginia Investment Management Board and the Board of Treasury Investments (CAPITO) (REGULAR)
- H. B. 2906 - Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits (CRISS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2910 - Making a supplementary appropriation to the Department of Administration, Public Defender Services (CRISS) (EFFECTIVE FROM PASSAGE)

- H. B. 2915 - Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund (CRISS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 3013 - Relating to authorizing the Jefferson County Commission to levy a special district excise tax (CRISS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 3059 - Give PSC authority to fine Class I railroads for safety and operational violations (LINVILLE) (REGULAR)
- H. B. 3072 - Supplementing and amending appropriations to Department of Homeland Security, Division of Administrative Services (CRISS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 3214 - To create the Road Optimization & Assessment Data (ROAD) Pilot Project (LINVILLE) (REGULAR)
- Com. Sub. for H. B. 3274 - Creating the Affordable Medicaid Buy-in Program (SUMMERS) (REGULAR)
- Com. Sub. for H. B. 3341 - To allow cigar bars (CAPITO) (REGULAR)
- H. B. 3396 - Supplementing, amending, and increasing existing items of appropriation from the State Road Fund to the Department of Transportation, Division of Highways (CRISS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 3398 - Relating to the establishment of the West Virginia Memorial to Fallen Heroes of the Global War on Terrorism (PHILLIPS) (REGULAR)
- Com. Sub. for H. B. 3409 - Relating to authorizing application of the manufacturing investment tax credit and the manufacturing property tax adjustment credit against personal income tax (CRISS) (REGULAR)
- H. B. 3444 - Relating to the creation of the West Virginia Semiquincentennial Commission and Fund (HOWELL) (REGULAR)
- Com. Sub. for H. B. 3450 - Relating generally to racetrack video lottery and the Licensed Racetrack Modernization Fund (CRISS) (REGULAR)
- H. B. 3459 - To allow for a best value procurement evaluation for prequalified bidders (PHILLIPS) (REGULAR)
- H. B. 3473 - Creating a workgroup relating to Dig Once Policy (LINVILLE) (JULY 1, 2023)
- Com. Sub. for H. B. 3479 - Creating requirements for use of unmanned aircraft (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3482 - To create the Coal Fired Grid Stabilization and Security Act of 2023 (HOWELL) (REGULAR)

- Com. Sub. for H. B. 3484 - Relating to SNAP benefits (PHILLIPS) (REGULAR)
- H. B. 3487 - Relating to cost-sharing calculations for certain Health Savings Account-qualified High Deductible Health Plans (SUMMERS) (REGULAR)
- H. B. 3493 - Relating to prohibiting certain foreign ownership of agricultural land (CAPITO) (REGULAR)
- H. B. 3552 - Relating to per diem jail costs (KELLY) (REGULAR)
- H. B. 3554 - Relating to prohibiting a municipality or the governing body of any municipality from limiting rental of a property (HOWELL) (REGULAR)

HOUSE CALENDAR

Tuesday, February 21, 2023

42nd 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 (CRISS) (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)

H. B. 3430 - To prohibit the bureau from assessing a fee upon local health departments (SUMMERS) (REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

TUESDAY, FEBRUARY 21, 2023

HOUSE CONVENES AT 11:00 A.M.

**AGRICULTURE AND NATURAL RESOURCES
9:15 A.M. – ROOM 215-E**

**PENSIONS AND RETIREMENT
10:00 A.M. – ROOM 460-M**

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

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

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

**TECHNOLOGY AND INFRASTRUCTURE
2:00 P.M. – ROOM 432-M**

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

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

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