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February 21, 2023  
FORTY-SECOND DAY



Tuesday, February 21, 2023

**FORTY-SECOND 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 Monday, February 20, 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. B. 2761**, To allow classroom aides with 10 or more years of service and good evaluations to bid on teaching positions,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2761** - "A Bill to amend and reenact §18A-2-2 of the Code of West Virginia, 1931, as amended, relating to authorizing county boards to employ eligible classroom aides as classroom teachers when certain conditions are met,"

With the recommendation that the committee substitute do pass.

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

**By Delegates Statler, Toney, Foggin, Hornby, Lucas, Mazzocchi, E. Pritt and Willis:**

**H. B. 3555** - "A Bill to amend and reenact §18B-10-14 of the Code of West Virginia, 1931, as amended, relating to clarifying the requirements imposed on institutions in instances where the required course materials or digital courseware has not been selected prior to a student's enrollment or if a change to the course materials or digital courseware required would cause an increased charge to the student."

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. 3188**, Relating to the establishment of an alert system for missing cognitively impaired persons,

And,

**H. B. 3448**, Relating generally to probation officer field training,

And reports the same back with the recommendation that they each 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. 2189**, To create the "Protection of Property from Warrantless Searches Act",

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2189** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-1A-12, and to amend said code by adding thereto a new section, designated §62-1A-13, all relating to searches and seizures on open fields; requiring a search warrant or other recognized exception for searches and seizures in open fields; providing a definition; providing for abolishing the common law open fields doctrine; prohibiting surveillance cameras on private property; and providing exceptions,"

**H. B. 2252**, Relating to establishing criminal penalties for human trafficking,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2252** - "A Bill to amend and reenact §61-14-2, §61-14-3, §61-14-4, §61-14-5, §61-14-6, §61-14-7, and §61-14-8 of the Code of West Virginia, all relating to increasing criminal penalties and mandatory fines for human trafficking; establishing limitations on parole; and providing immunity from criminal liability for juvenile victims,"

**H. B. 3006**, West Virginia Critical Infrastructure Protection Act,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3006** - "A Bill to amend and reenact §61-10-34 of the Code of West Virginia, 1931, as amended, relating to the 'West Virginia Critical Infrastructure Protection Act'; adding the criminal offense of damaging, destroying, or stealing any amount of copper, with felony penalties; providing for forfeiture of items of personal property which are used, have been used, or are intended for use, used in perpetration of theft or damage to infrastructure, including all conveyances, including aircraft, vehicles or vessels; and providing that the forfeiture provisions of this bill be governed by the applicable provisions of the West Virginia Contraband Forfeiture Act,"

**H. B. 3189**, The PFAS Protection Act,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3189** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-11C-1, §22-11C-2, §22-11C-3, and §22-11C-4, all relating to identifying the sources of perfluoroalkyl and polyfluoroalkyl substances discharged into source waters used for public drinking water; providing legislative findings; providing state and federal regulation history, status, and future expectations; providing definitions; requiring the Department of Environmental Protection to begin identifying sources of PFAS in water sources and address sources of PFAS for certain public water systems with action plans; requiring facilities using PFAS chemicals to monitor and report their use; setting forth other duties of those

facilities; providing information disclosure provisions; requiring the Secretary of the Department of Environmental Protection to propose changes to statutes and rules and to update numeric public water supply human health criteria; requiring the Department of Environmental Protection to implement permit modifications to require monitoring; and requiring legislative rule-making,”

And,

**H. B. 3265**, Remove statutory mandates that the sheriff of a county shall serve process or is responsible for cost of service or arrest by another law enforcement agency,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3265** - “A Bill to amend and reenact §59-1-14 of the Code of West Virginia, 1931, as amended, relating to service of process by sheriff; and requiring a county sheriff to owe fees to another sheriff’s department or law enforcement agency for service,”

With the recommendation that the committee substitutes each do pass.

### Resolutions Introduced

Resolutions were introduced and severally referred as follows:

**By Delegates Anderson, Brooks, Burkhammer, Butler, Cannon, Chiarelli, Clark, Cooper, Coop-Gonzalez, Crouse, Dean, DeVault, Dillon, Dittman, Fast, Fehrenbacher, Ferrell, Foggin, Forsht, Gearheart, A. Hall, W. Hall, Heckert, Hillenbrand, Hite, Holstein, Honaker, Horst, Hott, Householder, Jeffries, Jennings, Keaton, Kimble, Kirby, Kump, Linville, Longanacre, Lucas, Mallow, Marple, Martin, Maynor, Mazzocchi, McGeehan, Miller, Nestor, Petitto, Phillips, Pinson, C. Pritt, Reynolds, Ridenour, Riley, Rohrbach, Ross, Shamblin, Smith, Steele, Street, Thorne, Tully, Vance, Ward, Warner, Westfall, Willis, Worrell and Zatezalo:**

**H. R. 16** – “Resolution calling for condemnation of the new FDA regulations”; to the Committee on Agriculture and Natural Resources then Rules.

**By Delegates Hott, Kelly, Reynolds, Coop-Gonzalez, Ward, Heckert, Riley, Smith, Petitto, Mazzocchi and Marple:**

**H. C. R. 47** – “Requesting the Division of Highways Bridge Number: 12-042/05-000.09 (12A051), (39.07204, -79.19234) locally known as Keplinger Bridge, carrying CR 42/05 over South Fork Lunice Creek in Grant County, the ‘U. S. Army SGT Walter Hedrick Memorial Bridge’”; to the Committee on Technology and Infrastructure then Rules.

And,

**By Delegates Hanshaw (Mr. Speaker), Rowe, Pinson, Skaff, E. Pritt, Young, Griffith and Hansen:**

**H. C. R. 48** – “Requesting that the Joint Committee on Government and Finance study the social work services of the Department of Health and Human Resources (hereinafter ‘the department’) provided in and for the circuit courts of the state, in particular, in child abuse and neglect cases before, during, and after hearings, for which professional social service workers of the department are needed but have been unavailable for years due to alarming staff shortages and the fact that social service workers employed by the department have not been always trained, present in court, and fully prepared to manage cases for the department involving

hearings or placement services before petitions are filed or after hearings are finalized”; to the Committee on Health and Human Resources then Rules.

### Motions

Delegate Heckert asked and obtained unanimous consent to be added as a cosponsor of H. B. 3166.

Delegate Dillon asked and obtained unanimous consent to be added as a cosponsor of H. B. 3353.

Delegate Steele moved that H. B. 2036 be discharged from the Committee on Health and Human Resources and read a first time.

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. 191**), and there were—yeas 63, nays 33, absent and not voting 4, with the yeas and the absent and not voting being as follows:

Nays: Adkins, Brooks, Burkhammer, Butler, Chiarelli, Coop-Gonzalez, Crouse, Dean, DeVault, Dillon, Foggin, Foster, A. Hall, Honaker, Horst, Kimble, Kirby, Kump, Longanacre, Lucas, Mallow, Martin, Mazzocchi, McGeehan, Miller, C. Pritt, Ridenour, Ross, Steele, Thorne, Vance, Ward and Warner.

Absent and Not Voting: Bridges, Hanna, Jeffries and Westfall.

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

### Special Calendar

#### Third Reading

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 192**), and there were—yeas 84, nays 13, absent and not voting 3, with the yeas and the absent and not voting being as follows:

Nays: Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Pushkin, Rowe, Skaff, Storch, Walker, Williams, Young and Hanshaw (Mr. Speaker).

Absent and Not Voting: Bridges, Jeffries and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 10) passed.

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

On this question, the yeas and nays were taken (**Roll No. 193**), and there were—yeas 84, nays 13, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Pinson, Pushkin, Rowe, Skaff, Storch, Walker, Williams and Hanshaw (Mr. Speaker).

Absent and Not Voting: Bridges, Jeffries and Westfall.

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 S. B. 10) takes effect from its passage.

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

**H. B. 2283**, Relating to authorized expenditures of revenues from certain state funds for fire departments; 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. 194**), and there were—yeas 89, nays none, absent and not voting 11, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Foggin, Garcia, Heckert, Honaker, Jeffries, Maynor, Nestor, Pushkin, Skaff and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2283) passed.

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

At 1:09 p.m., on motion of Delegate Householder, the House of Delegates recessed until 8:00 p.m.

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### **Evening Session**

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

### **Reordering of the Calendar**

Pursuant to the action of the Committee on Rules, Delegate Householder announced that all bills on Third Reading, Second Reading and First Reading, Special Calendar, had been transferred to the House Calendar.

At the request of Delegate Householder, and in the absence of objection, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

### **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:

**Com. Sub. for S. B. 160**, WV Rail Trails Program,

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

Delegate Nestor, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**Com. Sub. for S. B. 200**, Allowing leashed dogs to track wounded elk, turkey, and wild boar when hunting,

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 (Com. Sub. for S. B. 200) was referred to the Committee on the Judiciary.

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

Your Committee on Pensions and Retirement has had under consideration:

**S. B. 237**, Relating to Public Employees Retirement System and State Teachers Retirement System,

**S. B. 449**, Updating terms for Natural Resources Police Officers Retirement System and retirement systems for charter schools,

**Com. Sub. for S. B. 450**, Defining medical examination for disability purposes in retirement plans administered by Consolidated Public Retirement Board,

**Com. Sub. for S. B. 451**, Relating to Teachers Retirement System and Teachers' Defined Contribution Retirement System,

**S. B. 452**, Relating to Emergency Medical Services Retirement System,

**Com. Sub. for S. B. 453**, Ensuring retirement contributions and delinquency charges of charter school employees be paid upon school closure or by successor,

**S. B. 458**, Setting rate of interest on delinquent retirement contribution submissions,

And,

**Com. Sub. for S. B. 475**, Modifying examinations for disability pensions,



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 (S. B. 237, S. B. 449, Com. Sub. for S. B. 450, Com. Sub. for S. B. 451, S. B. 452, Com. Sub. for S. B. 453, S. B. 458 and Com. Sub. for S. B. 475) 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. 3314**, Increasing the special district excise tax to a rate or rates on sales within the boundaries of an economic opportunity development district,

And,

**H. B. 3403**, Providing a tax credit for employers with childcare facilities,

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. 3314 and H. B. 3403) 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. 3417**, Including Potomac State College in the definition of community and technical college education program for participation in the "Learn and Earn Program",

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

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 3283**, Relating to reporting requirements under the Grant Transparency and Accountability Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 3283) 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:

**S. B. 246**, Revising membership of Broadband Enhancement Council,

And,

**Com. Sub. for S. B. 463**, Increasing validity of CDL instruction permit,

And reports the same back with the recommendation that they 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. B. 2865**, To clarify that the PSC may enter an order requiring corrective measures up to and including an acquisition of a distressed or failing utility,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2865** - "A Bill to amend and reenact §24-2H-4, §24-2H-5, §24-2H-6, and §24-2H-8 of the Code of West Virginia, 1931, as amended, all relating to clarifying that the Public Service Commission may enter an order in a distressed or failing utility case requiring corrective measures up to and including an acquisition by an acquiring utility; providing the Commission shall provide the list of potentially unstable water and wastewater utilities to statewide water or wastewater technical assistance non-profits; providing the Commission staff shall publish annually, by hyperlink, the list of potentially unstable water and wastewater utilities on the commission's homepage; providing that eligibility of a utility to receive state grant funding and federal grant funding in a similar manner as the distressed utility is a factor in determining whether a utility is a capable proximate utility; providing that petitions filed with the commission include factual data supporting the justification for the utility to be considered as a distressed or failing utility; providing that high loss and unaccounted for water is not evidence of a distressed or failing utility; and clarifying that an acquiring utility becomes such only after approval of the necessary operating agreement,"

And,

**H. B. 3198**, Relating to obtaining title to abandoned or junked motor vehicles abandoned on the property or place of business of an automobile dealer,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3198** - "A Bill to amend and reenact §17-24A-4 of the Code of West Virginia, 1931, as amended, relating to obtaining title to abandoned or junked motor vehicles abandoned on the property or place of business of an automobile dealer, licensed automobile auction, motor vehicle repair facility or towing company; and removing the requirement that the loan value of the motor vehicle be less than \$9500 to allow the automobile dealer, licensed automobile auction, motor vehicle repair facility or towing company to obtain a certificate of title and registration for the abandoned motor vehicle or junked vehicle,"

With the recommendation that the committee substitutes each do pass.

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

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

**H. B. 2025**, Relating to who may diagnose post-traumatic stress disorder as a compensable injury or disease under workers compensation,

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. 2025) was referred to the Committee on Finance.

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

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

**H. B. 3247**, Relating to abuse and or neglect of individuals with an intellectual and or developmental disability,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3247** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-31; to amend and reenact §16-2D-8, §16-2D-9, and §16-2D-11; to amend said code by adding thereto a new article designated, §16-5W-1, §16-5W-2, §16-5W-3, §16-5W-4, §16-5W-5, §16-5W-6 and §16-5W-7; to repeal §27-8-2b and §27-8-3 of said code; to repeal §27-9-1 of said code; to repeal §27-13-1 and §27-13-2 of said code; and to repeal §27-17-1, §27-17-2, §27-17-3, and §27-17-4 of said code; all relating to regulation of behavioral health services; requiring the Bureau of Medical Services to development a reimbursement model relating to in home services of Intellectually and Developmentally Disabled Intermediate Care waivers; requiring the bureau to use a performance based contract; defining terms; removing services from the moratorium; removing services from certificate of need; adding services to certificate of need; providing exceptions from certificate of need; permitting the Health Care Authority to redistribute bed capacity; requiring access to consumers; requiring access to records; regulating behavioral health centers; providing rulemaking authority; establishing a mental health ombudsman; providing authority to the ombudsman; providing an exemption of consumer information from the Freedom of Information Act; requiring reporting; and permitting a civil penalty,"

With the recommendation that the committee substitute 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. 3501**, Creating the Cardiopulmonary Resuscitation Instruction Fund,

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

In accordance with the former direction of the Speaker, the bill (H. B. 3501) 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. 3499**, To permit joint tenancy with rights of survivorship when transfer on death deeds specify a joint tenancy with right of survivorship,

And reports the same back with the recommendation that it 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. 3509**, Making a supplementary appropriation to Miscellaneous Boards and Commissions, Public Service Commission – Consumer Advocate Fund,

**H. B. 3511**, Making a supplementary appropriation to the Department of Education, State Board of Education – School Lunch Program,

**H. B. 3512**, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services,

**H. B. 3513**, Making a supplementary appropriation to the Department of Homeland Security, Division of Corrections and Rehabilitation – Regional Jail and Correctional Facility Authority,

**H. B. 3514**, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund,

**H. B. 3515**, Making a supplementary appropriation to the Department of Veterans' Assistance, Veterans' Facilities Support Fund,

**H. B. 3516**, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – West Virginia Safe Drinking Water Treatment,

**H. B. 3517**, Making a supplementary appropriation to the Division of Human Services – Child Care and Development,

**H. B. 3518**, Making a supplementary appropriation to the Department of Agriculture,

And,

**H. B. 3524**, Making a supplementary appropriation to the Department of Agriculture – West Virginia Spay Neuter Assistance Fund,

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

### Messages from the Senate

A message from the Senate, by

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

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

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. 488** - "A Bill to amend and reenact §18B-4-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18B-4-7a, all relating to aligning state and federal accreditation rules"; which was referred to the Committee on Education.

A message from the Senate, by

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

**Com. Sub. for S. B. 543** - "A Bill to amend and reenact §29A-3A-1 and §29A-3A-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §29A-3A-2a; to amend and reenact §29A-3A-3, §29A-3A-4, §29A-3A-5, §29A-3A-6, §29A-3A-7, §29A-3A-8, §29A-3A-9, §29A-3A-10, §29A-3A-11, §29A-3A-11a, §29A-3A-12, §29A-3A-13, §29A-3A-14, §29A-3A-15, §29A-3A-16, §29A-3A-16a, §29A-3A-17, §29A-3A-18, and §29A-3A-20, all relating to higher education and school building rule-making authority; revising definitions; requiring all sections of rule to be filed when proposing an amendment to an existing rule; requiring rule to be accompanied by not of explanation; requiring agency proposing to repeal a rule to file the rule in its entirety with the provisions of the rule struck through; making provisions applicable to procedural and interpretive rules applicable to legislative exempt rules; allowing an agency to hold a public hearing, schedule a public comment period, or both; requiring agency to respond to public comments and explain the reasoning for comments being incorporated or not incorporated into the rule; reducing time period for filing of notices of hearings for receiving public comment on a proposed rule; allowing repeal of a legislative exempt, procedural, or interpretive rule by filing notice of repeal with the Secretary of State; establishing timelimit for filing of notice of approval with the Secretary of State and the Legislative Oversight Commission on Education Accountability (LOCEA); requiring LOCEA make a continuing investigation, study, and review of the practices, policies, and procedures of the State Board of Education; requiring electronic submission of agency-approved rule to LOCEA; requiring electronic filing of notice of approval in the State Register; adding to information that electronic copies of the proposed legislative rule is to include; modifying topics LOCEA's review of a proposed legislative rule is to include; modifying LOCEA's options in making recommendations to the Legislature after reviewing a legislative rule; requiring bill authorizing legislative rule to incorporate the amendments recommended by LOCEA; modifying date after which proposed legislative rules submitted to LOCEA can be withheld from its report to the clerk of the respective houses; modifying provisions pertaining to bills of authorization; removing provisions pertaining to computation of dates; allowing disapproval of rules not approved or acted upon by the Legislature; requiring Secretary of State to publish an authorized and promulgated legislative rule in the Code of State Rules; adding to information that must be filed with emergency rules in the State Register; providing for effective date for

emergency rule and amendment to emergency rule; requiring the agency to file a copy of the emergency rule and the required statement with the Secretary of State and LOCEA; reducing time periods the agency has for filing a notice of public hearing on a proposed emergency rule and for filing the proposed emergency rule with LOCEA; removing provision pertaining to emergency legislative rules currently in effect; making certain provisions pertaining to filing an emergency rule and disapproval of an emergency rule applicable to filing an amendment to an emergency rule and disapproval of an emergency rule; modifying provisions pertaining to LOCEA's review of procedural rules, interpretive rules, or existing legislative rules; providing for prior rules to remain in full force and effect; modifying required sunset date; specifying procedure for renewing legislative rule; and requiring Secretary of State to file a notice of sunset in the State Register within 30 days following expiration of a legislative rule"; which was referred to the Committee on Education.

A message from the Senate, by

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

**Com. Sub. for S. B. 548** - "A Bill to amend and reenact §11A-3-2, §11A-3-13, §11A-3-38, §11A-3-45 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11A-3-45a; to amend and reenact §11A-3-46, §11A-3-47, §11A-3-48 of said code; to amend said code by adding thereto a new section, designated §11A-3-48a; and to amend and reenact §11A-3-56 of said code, all relating to real property taxes; modifying who is entitled to redeem real estate that is subject to delinquent taxes; modifying certain public notices regarding the certification of real estate to the Auditor; modifying who is entitled to redeem nonentered or certified lands; specifying that participation in certain auctions conducted by West Virginia Auditor constitutes transacting business in West Virginia; providing eligibility requirements to bid on tax liens at certain auctions conducted by the Auditor; providing for certain rule-making authority, including emergency rulemaking; barring certain parties from participating in auctions conducted by Auditor; modifying certain public notices regarding certain auctions conducted by the Auditor; providing for the incurrence of legal expenses related to title examinations by the West Virginia Auditor and the reimbursement for those expenses; authorizing West Virginia Auditor to refuse to sell unsold lands to potential buyers who fail to meet certain criteria; and barring certain parties from purchasing unsold lands"; 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. 591** - "A Bill to amend and reenact §7-12-9a of the Code of West Virginia, 1931, as amended, relating to allowing counties and municipalities the opportunity to jointly undertake economic development projects and to allow a pro-rata share in costs and revenues generated from said economic development projects"; which was referred to the Committee on Economic Development and Tourism.

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. 602** - "A Bill to amend and reenact §18B-1-1f of the Code of West Virginia, 1931, as amended, relating to authorizing Bluefield State University and West Virginia State University to offer associate degrees on their campuses without Higher Education Policy

Commission or Community and Technical College Council approval; and providing exception”; which was referred to the Committee on Education then Finance.

A message from the Senate, by

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

**S. B. 629** - “A Bill to amend and reenact §20-2-33 of the Code of West Virginia, 1931, as amended, relating to establishing an auto-renewal program for wildlife licenses; and authorizing the director to assess discounts to fees”; which was referred to the Committee on Finance.

### **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. 2252:** Delegates Hornby and Kump;

**H. B. 2415:** Delegate Kump;

**H. B. 2542:** Delegate Ridenour;

**H. B. 2814:** Delegates Anderson, Clark, Heckert and Zatezalo;

**H. B. 3327:** Delegate Crouse;

**H. B. 3405:** Delegate Kump;

**H. B. 3445:** Delegate Kirby;

**H. C. R. 37:** Delegates Adkins, Crouse, Hall, Hillenbrand and Mazzocchi;

**H. J. R. 25:** Delegates Kirby and Ridenour;

**H. R. 13:** Delegates Adkins, Crouse, Dillon and Hall;

And,

**H. R. 14:** Delegates Adkins, Crouse, Dillon, Hall and Mazzocchi.

At 8:12 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, February 22, 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**

**Wednesday, February 22, 2023**

**43<sup>rd</sup> Day**

**11:00 A. M.**

### **FIRST READING**

- Com. Sub. for S. B. 160 - WV Rail Trails Program (HOWELL) (REGULAR) [ECONOMIC DEVELOPMENT AND TOURISM COMMITTEE AMENDMENT PENDING]
- S. B. 246 - Revising membership of Broadband Enhancement Council (LINVILLE) (REGULAR)
- Com. Sub. for S. B. 463 - Increasing validity of CDL instruction permit (LINVILLE) (REGULAR)
- Com. Sub. for H. B. 2189 - To create the "Protection of Property from Warrantless Searches Act." (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2252 - Relating to establishing criminal penalties for human trafficking (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2761 - To allow classroom aides with 10 or more years of service and good evaluations to bid on teaching positions (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2865 - To clarify that the PSC may enter an order requiring corrective measures up to and including an acquisition of a distressed or failing utility (LINVILLE) (REGULAR)
- Com. Sub. for H. B. 3006 - West Virginia Critical Infrastructure Protection Act (CAPITO) (REGULAR)
- H. B. 3188 - Relating to the establishment of an alert system for missing cognitively impaired persons (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3189 - The PFAS Protection Act (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3198 - Relating to obtaining title to abandoned or junked motor vehicles abandoned on the property or place of business of an automobile dealer (LINVILLE) (REGULAR)
- Com. Sub. for H. B. 3247 - Relating to abuse and or neglect of individuals with an intellectual and or developmental disability (SUMMERS) (REGULAR)
- Com. Sub. for H. B. 3265 - Remove statutory mandates that the sheriff of a county shall serve process or is responsible for cost of service or arrest by another law enforcement agency (CAPITO) (REGULAR)



- H. B. 3417 - Including Potomac State College in the definition of community and technical college education program for participation in the "Learn and Earn Program (HOWELL) (REGULAR)
- H. B. 3448 - Relating generally to probation officer field training (CAPITO) (REGULAR)
- H. B. 3499 - To permit joint tenancy with rights of survivorship when transfer on death deeds specify a joint tenancy with right of survivorship (CAPITO) (REGULAR)
- H. B. 3509 - Making a supplementary appropriation to Miscellaneous Boards and Commissions, Public Service Commission – Consumer Advocate Fund (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3511 - Making a supplementary appropriation to the Department of Education, State Board of Education – School Lunch Program (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3512 - Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3513 - Making a supplementary appropriation to the Department of Homeland Security, Division of Corrections and Rehabilitation – Regional Jail and Correctional Facility Authority (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3514 - Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3515 - Making a supplementary appropriation to the Department of Veterans' Assistance, Veterans' Facilities Support Fund (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3516 - Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – West Virginia Safe Drinking Water Treatment (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3517 - Making a supplementary appropriation to the Division of Human Services – Child Care and Development (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3518 - Making a supplementary appropriation to the Department of Agriculture (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3524 - Making a supplementary appropriation to the Department of Agriculture – West Virginia Spay Neuter Assistance Fund (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3555 - Relating to student purchase and refunds of course material (ELLINGTON) (REGULAR)

## HOUSE CALENDAR

Wednesday, February 22, 2023

43<sup>rd</sup> 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)
- 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**

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

**WEST VIRGINIA  
HOUSE OF DELEGATES**

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**WEDNESDAY, FEBRUARY 22, 2023**

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**HOUSE CONVENES AT 11:00 A.M.**

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**FIRE DEPARTMENTS AND EMERGENCY MEDICAL SERVICES**

**9:15 A.M. – ROOM 460-M**

**VETERANS' AFFAIRS AND HOMELAND SECURITY**

**9:30 A.M. – ROOM 215-E**

**COMMITTEE ON RULES**

**10:45 A.M. – BEHIND CHAMBER**

**COMMITTEE ON FINANCE**

**1:00 P.M. – ROOM 460-M**

**COMMITTEE ON EDUCATION**

**2:00 P.M. – ROOM 432-M**

**COMMITTEE ON GOVERNMENT ORGANIZATION**

**3:45 P.M. – ROOM 215-E**

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**THURSDAY, FEBRUARY 23, 2023**

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**BANKING AND INSURANCE**

**9:15 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