

West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Sixth Legislature
First Regular Session

Held at Charleston
Published by the Clerk of the House



February 24, 2023
FORTY-FIFTH DAY

Friday, February 24, 2023

FORTY-FIFTH 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 Thursday, February 23, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Jeffries announced that Com. Sub. for S. B. 594, Com. Sub. for H. B. 3482, Com. Sub. for H. B. 3484 and H. B. 3487 on Second Reading, Special Calendar, had been transferred to the House Calendar; Com. Sub. for S. B. 51 and Com. Sub. for H. B. 3421 on First Reading, Special Calendar, had been transferred to the House Calendar; and H. B. 3166 and Com. Sub. for H. B. 3278 on Third Reading, House Calendar, had been transferred to the Special Calendar.

Committee Reports

Delegate Barnhart, Chair of the Committee on Banking and Insurance submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

Com. Sub. for S. B. 292, Health Care Sharing Ministries Freedom to Share Act,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, and with the recommendation that second reference to the Committee on Health and Human Resources be dispensed with but that it first be referred to the Committee on the Judiciary.

In the absence of objection, second reference of the bill (Com. Sub. for S. B. 292) to the Committee on Health and Human Resources was abrogated.

The bill was then referred to the Committee on the Judiciary.

Delegate Anderson, Chair of the Committee on Energy and Manufacturing, submitted the following report, which was received:

Your Committee on Energy and Manufacturing has had under consideration:

H. R. 17, Urging the West Virginia Geologic and Economic Survey to work with groups to evaluate policy options to encourage the capture and beneficial use of coal mine methane,

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. R. 17) was referred to the Committee on Rules.

Delegate Anderson, Chair of the Committee on Energy and Manufacturing, submitted the following report, which was received:

Your Committee on Energy and Manufacturing has had under consideration:

H. B. 2814, To create a Hydrogen power task force,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2814 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §24-2I-1 and §24-2I-2, all relating to the creation of a Hydrogen Power Task Force in West Virginia; providing for a short title; providing for the establishment of the task force; providing for membership appointments and management; establishing a duty of the task force to study hydrogen-fueled energy in West Virginia; providing specific topics of study; providing a reporting requirement; and providing for a sunset date of July 1, 2024,"

With the recommendation that the committee substitute 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:

S. B. 591, Allowing counties and municipalities to jointly undertake development projects,

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. 3443, Relating to a development or improvement on land subject to review by the State Historic Preservation Office,

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 3330, Creating family court circuits and assigning the number of family court judges in each family court circuit to be elected in the 2024 election,

And,

H. B. 3331, Relating generally to support staff in the family courts and magistrate courts of this state,

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

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

By Delegates Westfall, Fluharty, Hillenbrand, Steele, Ward, Ridenour, Warner, Martin, Kump, Marple and Kimble:

H. B. 3559 – “A Bill to amend and re-enact §49-4-201 of the Code of West Virginia, 1931, as amended; all relating to defining a newborn safety device; describing the installation and location of a newborn safety device; granting anonymity to the person placing a child in a newborn safety device; outlining the monitoring of a newborn safety device; requiring the transportation of a child found in a newborn safety device to a hospital or medical facility; waiving rights of notification and standing by the person placing a child in a newborn safety device; granting immunity to the emergency service medical provider who removes the child from the newborn safety device; and removing the anonymity provision if child abuse or neglect are evident.”

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. 2875, Clarifying that Circuit Court Judges have the ability/authority to waive the requirement that a party pass a home study performed by the DHHR,

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 3018, Establishing that 18 is the age of consent and removing the ability of an underage person to obtaining a consent to marry through their parents, legal guardians, or by petition to the circuit court,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3018 - "A Bill to repeal §48-2-103 of the Code of West Virginia, 1931, as amended; and to amend and reenact §48-2-106 and §48-2-301, all related to establishing that 18 is the age of consent; removing the ability of an underage person to obtain consent to marry through their parents, legal guardians, or by petition to the circuit court; and validating a marriage entered into legally prior to the enactment or in another jurisdiction outside of the State of West Virginia although one or both of the parties was under the age of consent,"

And,

H. B. 3369, Creating a School Safety Unit within the Division of Protective Services,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3369 – “A Bill to amend and reenact §15-2D-1, §15-2D-2 and §15-2D-3 of the Code of West Virginia, 1931, as amended, relating to creating a School Safety Unit within the Division of Protective Services; making findings, establishing duties and powers of the School Safety Unit; clarifying certain security services of the division; clarifying the confidentiality of certain records; clarifying that certain interagency agreements are discretionary; clarifying mandatory and discretionary duties of the director relating to the School Safety Unit; and correcting references to the Department of Homeland Security,”

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. 2989, Relating to increasing the number of out-of-state medical students receiving in-state tuition rates who agree to practice for a specific time within West Virginia,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2989 - “A Bill to amend and reenact §18C-3-5 of the Code of West Virginia, 1931, as amended, all relating to increasing the number of out-of-state medical students receiving in-state tuition rates who agree to practice for a specific time within West Virginia; and requiring each medical student that participates in the program to practice in a medically underserved area and in a primary care or specialty practice or field in which there is a shortage of physicians,”

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

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3224 - “A Bill to amend and reenact §18C-7-3 of the Code of West Virginia, 1931, as amended, relating to adding West Virginia Junior College to the updated list of eligible institutions that may accept PROMISE scholarship recipients,”

And,

H. B. 3315, Relating generally to readiness enhancement and commission bonuses,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3315 - “A Bill to amend and reenact §15-1B-25 of the Code of West Virginia, 1931, as amended, relating generally to readiness enhancement and commission bonuses; authorizing Adjutant General to establish certain bonus programs; requiring a schedule of bonus amounts; and authorizing recoupment of bonus paid under certain circumstances,”

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. 3464, Relating to the transfer of certain revenues derived from lottery activities,

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

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

Your Committee on Finance has had under consideration:

H. B. 3066, Supplementing and amending appropriations to the Department of Education, State Board of Education - State Aid to Schools,

H. B. 3510, Making a supplementary appropriation to the Department of Administration, Office of Technology – Chief Technology Officer Administration Fund,

H. B. 3526, Making a supplementary appropriation to Miscellaneous Boards and Commissions, Public Service Commission,

And,

H. B. 3527, Supplementing and amending appropriations to Department of Education, School Building Authority,

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. C. R. 17, CSA Army PVT Nathaniel Perry Memorial Trail,

H. C. R. 23, U.S. Army SGT Theron Turner Memorial Bridge,

H. C. R. 34, William N. "Shug" Kisner Memorial Bridge,

H. C. R. 40, USMC Larry Allen "Crocky" Holstein, Jr. Memorial Bridge,

H. C. R. 41, U. S. Army PFC Herman H. Lucas Memorial Bridge,

H. C. R. 42, U. S. Army SSG William Joseph "Will" Thompson Memorial Bridge,

H. C. R. 43, U.S. Navy Quartermaster C.E. "Red" Landfried Memorial Bridge,

H. C. R. 44, U. S. Army PV2 Harold Richard Plumley Memorial Bridge,

H. C. R. 45, Lewis Joseph D'Antoni Memorial Road,

H. C. R. 47, U. S. Army SGT Walter Hedrick Memorial Bridge,

H. C. R. 49, U. S. Army 1SG Elmer C. Lofton Memorial Bridge,

And,

H. C. R. 50, U. S. Army PVT Leon 'Deacon' Stover 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. 17, H. C. R. 23, H. C. R. 34, H. C. R. 40, H. C. R. 41, H. C. R. 42, H. C. R. 43, H. C. R. 44, H. C. R. 45, H. C. R. 47, H. C. R. 49 and H. C. R. 50) 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:

Com. Sub. for S. B. 205, Relating to registration plates,

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

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:

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

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. B. 2878, To grant the Fleet Management Division oversight authority of the state vehicle fleet,

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

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. 3560 – “A Bill to amend and reenact §19-25-5 of the Code of West Virginia, 1931, as amended, relating to expanding the definitions of “land” and “recreational purposes” to include rock climbing, rope related, and bouldering activities and to make certain technical corrections.”

**Messages from the Executive
and Other Communications**

A communication from the Clerk of the Senate to His Excellency, the Governor, advised that Com. Sub. for S. B. 89 was presented to the Governor on February 23, 2023.

The Clerk announced that Com. Sub. for H. B. 2845 and Com. Sub. for H. B. 3164 were presented to the Governor on February 23, 2023.

Resolutions Introduced

Resolutions were introduced and severally referred as follows:

By Delegate Barnhart:

H. C. R. 52 – “Requesting that the Joint Committee on Government and Finance study the financial effects of raising the threshold from \$25,000 to \$50,000 for the requirement of bids for municipal, public service district, county, and state public works projects”; to the Committee on Government Organization then Rules.

**By Delegates Dean, Summers, Worrell, Steele, Hardy, Smith, Hite, Keaton, Hanna,
Cannon and Skaff:**

H. C. R. 53 – “Requesting the Legislative Oversight Commission on Health and Human Resources Accountability study the implementation of Electronic Visit Verification in West Virginia Medicaid's Home and Community Based Services”; to the Committee on Health and Human Resources then Rules.

By Delegate Foster:

H. C. R. 54 – “Requesting the Division of Highways name bridge number 40-035/00-015.27 (NB & SB) (40A177, 40A179), (38.61845, -81.99839) locally known as Plantation Road Bridge, carrying US 35 over Plantation Creek in Putnam County, West Virginia, the 'U.S. Army PFC Russell Richard Ferguson Memorial Bridge’”; to the Committee on Technology and Infrastructure then Rules.

And,

By Delegates Pinson and Westfall:

H. C. R. 55 – “Requesting the Division of Highways name bridge number 18-077/00-145.78 (NB-SB) (18A172), locally known as Sandy Creek NB-SB bridges, carrying I-77 over Sandy Creek in Jackson County, the 'Chief Lee Thomas Memorial Bridge’”; to the Committee on Technology and Infrastructure then Rules.

Special Calendar**Third Reading**

Com. Sub. for H. B. 2252, Relating to establishing criminal penalties for human trafficking; 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. 234**), and there were—yeas 91, nays none, absent and not voting 9, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Dean, Ellington, Hite, Hott, McGeehan, Skaff, Williams and Zatezalo.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2252) 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. 2761, To allow classroom aides with 10 or more years of service and good evaluations to bid on teaching positions; 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. 235**), and there were—yeas 71, nays 22, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Clark, Criss, Dean, Fluharty, Garcia, W. Hall, Hansen, Hardy, Hornbuckle, Horst, Miller, Nestor, E. Pritt, Pushkin, Rowe, Shamblin, Smith, Steele, Vance, Walker, Westfall and Young.

Absent and Not Voting: Bridges, Ellington, Hott, McGeehan, Skaff, Williams and Zatezalo.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2761) 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. 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; 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. 236**), and there were—yeas 91, nays none, absent and not voting 9, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Ellington, Hott, McGeehan, Skaff, Steele, Williams, Worrell and Zatezalo.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2865) passed.

H. B. 3166, To permit a hospital to hold a patient experiencing a psychiatric emergency for up to 72 hours; 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. 237**), and there were—yeas 91, nays none, absent and not voting 9, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Ellington, Hott, McGeehan, Skaff, Steele, Williams, Worrell and Zatezalo.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3166) 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. 3188, Relating to the establishment of an alert system for missing cognitively impaired persons; 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. 238**), and there were—yeas 91, nays none, absent and not voting 9, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Ellington, Foggin, Hott, McGeehan, Skaff, Williams, Worrell and Zatezalo.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3188) 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. 3189, The PFAS Protection 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. 239**), and there were—yeas 82, nays 9, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Dillon, Foster, Longanacre, Miller, C. Pritt, Ridenour, Street, Thorne and Ward.

Absent and Not Voting: Bridges, Ellington, Hott, Kirby, McGeehan, Skaff, Williams, Worrell and Zatezalo.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3189) passed.

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

At the request of Delegate Linville, and by unanimous consent, the House returned to further consideration of Com. Sub. for H. B. 2865.

Delegate Linville then moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 240**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Ellington, Hott, Kirby, McGeehan, Skaff, Williams and Zatezalo.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2865) takes effect from its passage.

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

Com. Sub. for H. B. 3198, Relating to obtaining title to abandoned or junked motor vehicles abandoned on the property or place of business of an automobile dealer; 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. 241**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Ellington, Hott, McGeehan, Ridenour, Skaff, Williams and Zatezalo.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3198) 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. 3247, Relating to abuse and or neglect of individuals with an intellectual and or developmental disability; on third reading, coming up in regular order, was read a third time.

Delegates Griffith, Hite, Pushkin, Walker and Young requested to be excused from voting under the provisions of House Rule 49.

The Speaker ruled that the Delegates were members of a class of persons possibly to be affected and directed the Members to vote.

Speaker Pro Tempore Espinosa in the Chair

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 242**), and there were—yeas 91, nays none, absent and not voting 9, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Ellington, Hott, McGeehan, Skaff, Street, Williams, Zatezalo and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 3247) passed.

On motion of Delegate Summers, the title of the bill was amended to read 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-2, §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.”

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. 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; 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. 243**), and there were—yeas 90, nays none, absent and not voting 10, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Cooper, Ellington, Hott, Linville, McGeehan, Skaff, Williams, Zatezalo and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 3265) 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. 3278, Relating to the practice of optometry; 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. 244**), and there were—yeas 89, nays 1, absent and not voting 10, with the nays and the absent and not voting being as follows:

Nays: Anderson.

Absent and Not Voting: Bridges, Cooper, Ellington, Hott, McGeehan, Skaff, Williams, Willis, Zatezalo and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 3278) passed.

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

Com. Sub. for H. B. 3278 – “A Bill to amend and reenact §30-8-3, §30-8-6 and §30-8-9 of the Code of West Virginia, 1931, as amended, all relating to the practice of optometry; defining terms; removing obsolete areas of the code; and permitting a licensee to perform certain procedures trained by an approved accredited body.”

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

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”; 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. 245**), and there were—yeas 91, nays none, absent and not voting 9, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Ellington, Garcia, Hott, McGeehan, Skaff, Williams, Zatezalo and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (H. B. 3417) 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. 3448, Relating generally to probation officer field training; 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. 246**), and there were—yeas 91, nays none, absent and not voting 9, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Clark, Ellington, Hott, McGeehan, Skaff, Williams, Zatezalo and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (H. B. 3448) 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. 3499, To permit joint tenancy with rights of survivorship when transfer on death deeds specify a joint tenancy with right of survivorship; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Fast asked and obtained unanimous consent to amend the bill on third reading, and the rule was suspended to permit the offering and consideration of such.

On motion of Delegate Fast, the bill was amended on page 1, by striking everything after the enacting clause and inserting the following:

“ARTICLE 12. UNIFORM REAL PROPERTY TRANSFER ON DEATH ACT.

36-12-13. Effect of transfer on death deed at transferor's death

Except as otherwise provided in the transfer on death deed in this article, ~~section six, article one, chapter forty one of this code §41-1-6 of this code, section three, article three, chapter forty one of this code §41-3-3 of this code, article three, chapter forty two of this code §42-3-1, et seq. of this code, section two, article four, chapter forty two of this code §42-§4-2 of this code, or article five, chapter forty two of this code §42-5-1, et seq. of this code,~~ on the death of the transferor the following rules apply to property that is the subject of a transfer on death deed and owned by the transferor at death:

(1) Subject to subdivision (2) of this subsection, the interest in the property is transferred to the designated beneficiary in accordance with the deed.

(2) The interest of a designated beneficiary, when there is only one beneficiary designated, is contingent on the designated beneficiary surviving the transferor. The interest of a designated beneficiary that fails to survive the transferor, when there is only one beneficiary designated, lapses.

(3) Subject to subdivision (4) of this subsection, concurrent interests are transferred to the beneficiaries in equal and undivided shares ~~with no right of survivorship, unless the deed specifies otherwise, as tenants in common or with right of survivorship if the deed specifies joint tenancy with right of survivorship.~~

(4) If the transferor has identified two or more designated beneficiaries to receive concurrent interests in the property, the share of one which lapses or fails for any reason is transferred to the other, or to the others in proportion to the interest of each in the remaining part of the property held concurrently as tenants in common or with right of survivorship if the deed specifies joint tenancy with the right of survivorship.

(b) Subject to ~~article two, chapter thirty nine and chapter thirty eight of this code §39-2-1, et seq., and §38-1-1, et seq. of this code,~~ a beneficiary takes the property subject to all conveyances, encumbrances, assignments, contracts, mortgages, liens and other interests to which the property is subject at the transferor's death. For purposes of this subsection, ~~article two, chapter thirty nine and chapter thirty eight of this code, §39-2-1, et seq, and §38-1-1, et seq. of this code,~~ the recording of the transfer on death deed is deemed to have occurred at the transferor's death.

(c) If a transferor is a joint owner with other joint owners with right of survivorship and is:

(1) Survived by one or more other joint owners, the property that is the subject of a transfer on death deed belongs to the surviving joint owner or owners with right of survivorship; or

(2) The last surviving joint owner, the transfer on death deed is effective.

(d) If a transferor is an owner with other owners as tenants in common, the transfer on death deed is only effective as to the interest in the property which was held by the transferor.

(e) A transfer on death deed transfers property without covenant or warranty of title even if the deed contains a contrary provision.”

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 247**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Ellington, Hott, McGeehan, Williams, Zatezalo and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (H. B. 3499) 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. 3555, Relating to student purchase and refunds of course material; 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. 248**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Ellington, Hott, McGeehan, Williams, Zatezalo and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (H. B. 3555) passed.

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

Delegate Kirby asked unanimous consent to be removed as a cosponsor of H. B. 3558, which consent was not granted, objection being heard.

Delegate Householder then so moved, and this motion was adopted.

At 12:50 p.m., on motion of Delegate Householder, the House of Delegates recessed until 6:00 p.m.

* * * * *

Evening Session

* * * * *

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

Messages from the Senate

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. 79 - "A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to compensable diseases of certain firefighters covered by workers' compensation; establishing rebuttable presumption of injury arising out of and in the course of employment for certain covered firefighters that develop bladder cancer, mesothelioma, and testicular cancer; providing for conditions of the presumption; and providing that the rebuttable presumption expires on July 1, 2027, unless extended by the Legislature"; 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. 273 - "A Bill to amend and reenact §49-2-101, §49-2-102, and §49-2-809 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §49-10-101, §49-10-102, and §49-10-103; to amend said code by adding thereto a new article, designated §49-11-101, all relating to child welfare; continuing the Bureau for Social Services; authorizing the Bureau for Social Services to provide care for children in need of public service; providing the commissioner shall allocate child protective service workers in counties according to the average caseload per county and the county population based on the 2020 Census; requiring reporting to the Legislature of the allocation; requiring the department to have a redundancy system in the event of a centralized intake outage; setting forth requirements for data submission in the event a system exists; providing that the Bureau for Social Services shall develop a merit-based system for specified employees; providing the merit-based system shall be subject to the grievance process, except that there is no grievance available for the same classification description impacted by regional pay disparities; providing that for existing employees there is no grievance procedure for a regional pay disparity for the same job classification; requiring reporting of statistical, systemic child welfare information; and providing for emergency and legislative rulemaking"; which was referred to the Committee on Health and Human Resources.

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. 430 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-1-1a; and to amend and reenact §12-2-2 of said code, all relating generally to the State Treasurer's authority to contract with financial institutions for banking goods and services; defining terms in chapter; and clarifying Department of Revenue shall utilize State Treasurer's contracts and agreements with financial institutions when collecting moneys owed to the state unless an exemption is granted"; which was referred to the Committee on Government Organization then 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. 554 - “A Bill to amend and reenact §5A-3-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §12-3-21; and to amend said code by adding thereto a new section, designated §12-6D-8, all relating generally to exempting purchases made by the Auditor and West Virginia Enterprise Resource Planning Board from certain provisions of this code; requiring both the Auditor and Enterprise Resource Planning Board to maintain and adopt internal competitive procurement processes; and allowing the Auditor and the Enterprise Resource Planning Board to promulgate rules related to the exemption of purchases and the procurement process”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 616 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-18F-1, §31-18F-2, §31-18F-3, §31-18F-4, §31-18F-5, and §31-18F-6; and to amend and reenact §36-8-13 of said code, all relating generally to creating the West Virginia Veterans' Home Loan Mortgage Program of 2023; establishing a fund known as the West Virginia Veterans' Home Loan Mortgage Fund; declaring the purpose of the fund; providing that the Housing Development Fund shall administer the fund; setting forth terms of the program; authorizing the Housing Development Fund to make certain mortgage loans from the fund; and authorizing the unclaimed property administrator to transfer a certain amount from the Unclaimed Property Trust Fund to the 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. 617 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-11-1 and §9-11-2, all relating to the Intellectual and Development Disabilities Waiver Program workforce study; outlining program data required to be included in the study; requiring recommendations for hourly pay; and creating an annual capitation review”; which was referred to the Committee on Health and Human Resources.

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. 646 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-12a, relating to creating an emeritus physician license; and providing legislative rulemaking”; which was referred to the Committee on Health and Human Resources.

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. 649 - “A Bill to amend chapter 232, Acts of the Legislature, Regular Session 2008, by adding thereto a new section designated section six, relating to authorizing the Berkeley County Council to change its name to the Berkeley County Commission; providing that name change does not affect commission's powers, duties, or responsibilities, or number or terms

of commission's members; and requiring public notice of council's intent to change its name"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 656 - "A Bill to amend and reenact §21-1B-2, §21-1B-3, and §21-1B-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §21-1B-9, all relating to labor; verifying the legal employment status of all persons who come into their employ and to report their employment to the appropriate governmental agencies; providing definitions; using E-Verify, the electronic verification of federal employment authorization program of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; and providing that unauthorized workers employment prohibited"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 657 - "A Bill to amend and reenact §33-15A-6 of the Code of West Virginia, 1931, as amended, relating to requirements for long term care insurance"; which was referred to the Committee on Health and Human Resources then 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. 661 - "A Bill to amend and reenact §23-5A-3 of the Code of West Virginia, 1931, as amended, relating to the clarification of preferential recall rights for employees sustaining a compensable injury; providing for employee to make written demand for reinstatement and mailing demand to the employer's principal office; removing provision for restoring employee to a comparable position; providing for a preferential recall time period of 90 days from the date the employee is released to return to regular employment; providing that it is the obligation of the employee to continually seek employment during the employee's preferential recall time period; and removing provision relating to preferential right of recall for a one-year period"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

S. B. 678 - "A Bill supplementing and amending the appropriations 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 Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2023, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023"; 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. 730 - “A Bill to amend and reenact §16-29E-5 and §16-29E-7 of the Code of West Virginia, as amended, all relating to the Legislative Oversight Commission on Health and Human Resources Accountability; applying authority of commission to successor agencies of the Department of Health and Human Resources; removing limitation on commission review; expanding authority of commission to conduct review into administrative, fiscal, programmatic, and systematic areas of department; permitting commission to require reports; and permitting commission and Joint Committee to designate format and submission instructions for reporting”; which was referred to the Committee on Health and Human Resources.

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

Committee Reports

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. 3270, To amend the deliberate intent statute to limit noneconomic damages to \$250,000,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3270 - “A Bill to amend and reenact §23-4-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §23-4-2a, §23-4-2b and §23-4-2c, all relating to the deliberate intent exception to the immunities provided under Workers Compensation by clarifying the definition of employee, requiring bifurcation of discovery upon request of the defendant, and establishing a limit on noneconomic loss,”

And,

H. B. 3332, Creating judicial circuits and assigning the number of circuit judges in each circuit to be elected in the 2024 election,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3332 - “A Bill to amend and reenact §51-2-1 of the Code of West Virginia, 1931, as amended, relating to creating judicial circuits and assigning the number of circuit judges in each circuit to be elected in the 2024 election; and establishing geographic divisions in some circuits,”

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. 3529, Making a supplementary appropriation to the Department of Commerce, State Board of Rehabilitation – Division of Rehabilitation Services,

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 3146, Establishing in West Virginia Code, the contents of the Uniform Public Meetings During Emergencies Act,

H. B. 3156, Raising the compensation rates of panel attorneys,

H. B. 3360, Creating an office of the Inspector General within the Department of Homeland Security,

And,

H. B. 3439, To limit the civil liability of child placing agencies that obtain an insurance policy in an amount not less than \$1 million per incident,

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

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

Your Committee on Finance has had under consideration:

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

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3370 - "A Bill to amend and reenact §20-5A-1 of the code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §20-5A-3; and to amend said code by adding thereto a new section, designated §31-15-8b, all relating to establishing the State Parks Enhancement Loan Insurance Program; authorizing the board of trustees of the West Virginia State Parks and Recreation Endowment Fund to use the fund to facilitate or provide collateral for the program; providing that the program will provide for the guarantee of a loan made to an eligible private entity to be used exclusively for new or existing projects, developments, or attractions on properties of West Virginia State Parks and resorts that are constructed on U.S. Army Corps of Engineers property, wherein such properties and developments have no collateral for loans, and on any other property under the jurisdiction of the Division of Natural Resources, or on a hybrid tourism destination, to encourage economic development and tourism and increasing recreational opportunities; providing for the establishment of requirements and procedures for the issuance of loan insurance; limiting the amount of loan insurance through the program to the amount of the the assets existing in the fund; providing that no amount of the fund's income may be used to provide loan insurance; providing for application and additional procedures or guidelines for the program; requiring approval in writing from secretary of the Department of Commerce, the secretary of the Department of Economic Development, and the secretary of the Department of Tourism to apply for loan insurance; requiring the board of trustees to cooperate with the West Virginia Economic

Development Authority and authorizing the board of trustees to utilize the staff and resources of the authority for guidance and assistance in administering the program; providing additional powers and duties to the board of trustees; requiring reporting; and requiring that the West Virginia Economic Development Authority to facilitate the administration of the program and that its executive director make the authority's staff available to provide guidance and assistance for the administration of the program,”

With the recommendation that the committee substitute 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. 3342, Relating to cooperation between municipal and county economic development authorities,

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. 2953, Creating the Commission on Cost-of-Living Adjustments,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2953 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-36-1, §29-36-2, §29-36-3, §29-36-4, §29-36-5, §29-36-6, and §29-36-7, all relating to the creation of the Commission on Cost-of-Living Adjustments; providing for a declaration of public policy and legislative findings; establishing the commission and providing for membership, terms, and authority; establishing meetings for the commission; providing for the commission's authority and duties; establishing commission reports on determinations and recommendations regarding certain localities to the Legislature and the Executive; providing for various factors for the commission to consider in making recommendations and determinations; providing for legislative action and possible future appropriations; providing for applicability and exceptions; providing for rulemaking; providing for the creation and administration of the Locality Cost-of-Living Adjustment Fund; providing for payment of expenses of the commission and payment of cost-of-living adjustments to certain defined state employees based upon workstation location and other external economic factors,”

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

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3035 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2E-13, relating to establishing the Grow Your Own West Virginia Pathway to Teaching Program; and requiring West Virginia Board of Education to promulgate rules to govern the program and grant funds,”

And,

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

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3084 - "A Bill to amend and reenact §18-5-48 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-5G-1, §18-5G-2, §18-5G-3, §18-5G-4, §18-5G-5, §18-5G-7, §18-5G-12 and §18-5G-15 of said code; and to amend and reenact §18-9A-15 of said code; all relating to revising provisions related to public charter schools; providing public charter school access to funding from School Safety Fund; modifying priorities for funds use; requiring rule on process for needs-based funding requests and requiring rules; expressing legislative intent on comparable levels of funding for public charter school students; authorizing state institution of higher education as applicant; prohibiting imposition of requirements on public charter schools choosing to incorporate post-secondary, industry and workforce program that are not required of noncharter public schools; authorizing public charter schools to include before and after school programs in their education program; excluding public charter school programs from regulation as child care facility; authorizing public charter school students to participate on the same basis as other public school students in extracurricular athletic and academic interscholastic activities sponsored by noncharter public school serving attendance area if not sponsored by charter school; emphasizing that charter school determines certification and licensure for teachers and instructional staff employed by it; clarifying public charter schools are exempt from state board policies unless otherwise specifically provided; excluding requirement that charter school employees be certified or licensed as condition of employment and providing that charter school may require employees be certified or licensed as condition of employment but is not required to; requiring professional charter school board to consult with nationally recognized organizations along with the state board; providing for administering required state assessments in virtual setting; requiring state board to establish framework and procedures for interaction between public charter schools, public noncharter schools and county boards to facilitate cooperation and ensure prompt transfer of records; providing for invoicing of certain funding when student transfers from and to certain entities after the beginning of the school year; allowing member of charter school governing board to be employee of education service provider if services are provided by state institution of higher education; providing conditions for charter school governing board to be administrative unit of state institution of higher education and authorizing contract; prohibiting sale or other transfer of public facility with clear title and no restrictive covenant after public charter school requests usage; authorizing professional charter school board to receive and expend gifts, grants and donations to carry out purposes of act, to apply for federal funds to implement programs, and to make start-up grants to public charter schools; and requiring for state board rule on method for providing increased enrollment funding for public charter schools,"

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Education has had under consideration:

Com. Sub. for S. B. 602, Enabling WVSU and Bluefield State University to offer associate degrees,

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.

Delegate Jeffries asked unanimous consent that second reference to the Committee on Finance be dispensed with, which consent was not given, objection being heard.

The Speaker put the question "Shall the second reference to the Committee on Finance be dispensed with?"

On this question, the yeas and nays were taken (**Roll No. 249**), and there were—yeas 49, nays 33, absent and not voting 18, with the nays and the absent and not voting being as follows:

Nays: Brooks, Dean, Dillon, Dittman, Ferrell, Fluharty, Garcia, Griffith, A. Hall, W. Hall, Hansen, Hite, Honaker, Hornbuckle, Kirby, Longanacre, Mallow, Marple, Petitto, E. Pritt, Pushkin, Reynolds, Ross, Rowe, Sheedy, Skaff, Storch, Thorne, Tully, Vance, Walker, Willis and Young.

Absent and Not Voting: Adkins, Bridges, Capito, Ellington, Hardy, Horst, Hott, Kump, Lucas, Martin, Maynor, McGeehan, Pinson, Riley, Steele, Westfall, Williams and Worrell.

So, two thirds of the members present not having voted in the affirmative, the motion was rejected, and the bill was referred to the Committee on the Finance.

Special Calendar

Second Reading

Com. Sub. for H. B. 2016, Relating to confidential childcare records; 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. 2064, To create commercial opportunity zones to attract new businesses to West Virginia; 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. 2065, West Virginia Heavy Duty Truck Excise Tax Elimination Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2122, Relating to custodial interrogation of a child; on second reading, coming up in regular order, was, reported by the Clerk.

Delegate Hornby asked and obtained unanimous consent to be removed as a cosponsor of H. B. 3558.

At the request of Delegate Jeffries, and by unanimous consent, **H. B. 2122** was postponed one day.

Com. Sub. for H. B. 2483, Creating a tax credit for improving facades in historic districts; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Criss and Foster, the bill was amended page 2, section 8i, following line 38, by inserting a new subsection (h) to read as follows: "(h) No credit may be authorized

pursuant to the provisions of this section if when the applicant begins to claim the credit and throughout the time period within which the credit is claimed, the taxpayer: (1) is in arrears in the payment of any local or municipal tax, or (2) the taxpayer is delinquent in the payment of property taxes on the property containing the façade to be replaced.”; and

On page 4, section 23h, following line 38, by inserting a new subsection (h) to read as follows: “(h) No credit may be authorized pursuant to the provisions of this section if when the applicant begins to claim the credit and throughout the time period within which the credit is claimed, the taxpayer: (1) is in arrears in the payment of any local or municipal tax, or (2) the taxpayer is delinquent in the payment of property taxes on the property containing the façade to be replaced.”

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2567, Relating to felony trespassing; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Foster, the bill was amended on page 4, section 3, line 30, by striking the word “article” following the word “this” and inserting in lieu thereof the word “subsection”

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2648, Authorizing certain agencies and boards of the DHHR to promulgate a legislative rule; 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. 2759, Relating to updating the health care provider 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. 2760, To allow CPR fire fighters to drive ambulances when both attendants are needed to administer patient care; on second reading, coming up in regular order, was read a second time.

An amendment from by the Committee on Government Organization, was adopted, on page 1, section 6, line 17 by striking the word “obtained” and inserting the word “completed”.

And,

On page 1, section 6, line 17 by striking the word “Certification” and inserting the word “Course”.

And,

On page 1, section 6, line 18 by inserting “or legislative rule promulgated thereunder” after the word “code”.

Note: The language in the amendment had already been incorporated into the committee substitute.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 3006, West Virginia Critical Infrastructure Protection Act ; on second reading, coming up in regular order, was read a second time.

An amendment offered by Delegate Worrell was reported by the Clerk, on page 4, section 34, line 83, by striking the language contained in lines 83 and 84 and inserting the following language and renumbering thereafter.

~~“(1) Any person or organization monitoring or attentive to compliance with public or worker safety laws, or, wage and hour requirements;~~

(1) Any person or organization:

(i) Monitoring or attentive to compliance with public or worker safety laws, or, wage and hour requirements;

(ii) Picketing at the workplace that is otherwise lawful and arises out of a bona fide labor dispute, including any controversy concerning wages, salaries, hours, working conditions, or benefits, including health and welfare, sick leave, insurance, and pension or retirement provisions, the managing or maintenance of collective bargaining agreements, and the terms to be included in those agreements;

(iii) Engaging in union organizing or recruitment activities, including attempting to reach workers verbally, in writing with pamphlets and investigation of non-union working conditions, or both.”

An amendment offered by Delegate A. Hall was then reported by the Clerk on page 3, section 34, line 56, by striking and inserting the following language and renumbering as appropriate thereafter:

“(2) (A) Any person who willfully damages, destroys, vandalizes, defaces, steals or tampers with equipment or assets in a critical infrastructure facility causing damage in excess of \$2,500 is guilty of a felony and, upon conviction thereof, shall be fined not less than \$5,000 nor more than \$10,000, or imprisoned in a state correctional facility for a term of not less than one year nor more than five years, or both fined and imprisoned.

~~(i) who willfully damages, destroys, vandalizes, defaces, or tampers with equipment in a critical infrastructure facility causing damage in excess of \$2,500 or~~

~~(ii) who damages, destroys, or steals any amount of copper from such facility,~~

~~is guilty of a felony and, upon conviction thereof, shall be fined not less than \$1,000 \$5,000 nor more than \$5,000 \$10,000, or imprisoned in a state correctional facility for a term of not less than one year nor more than five years, or both fined and imprisoned.”~~

On the question of adoption of the amendment offered by Delegate A. Hall, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 250**), and there were—yeas 46, nays 37, absent and not voting 17, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Chiarelli, Clark, Cooper, Criss, Espinosa, Fast, Ferrell, Forsht, Gearheart, W. Hall, Heckert, Honaker, Hornby, Householder, Howell, Jeffries, Jennings, Keaton, Kelly, Kimble, Lucas, Marple, Mazzocchi, Miller, Reynolds, Ridenour, Rowe, Shamblin, Sheedy, Statler, Storch, Street, Toney, Tully, Warner and Willis.

Absent and Not Voting*: Adkins, Bridges, Capito, Ellington, Hardy, Horst, Hott, Kump, Martin, Maynor, McGeehan, Pinson, Riley, Steele, Westfall, Williams and Worrell.

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

*Delegate Hansen announced that his vote did not register and he is recorded in the affirmative.

At the request of Delegate Householder, and by unanimous consent, the bill was advanced to third reading with the amendment offered by Delegate Worrell pending and the rule was suspended to permit the consideration of the amendment on that reading.

Com. Sub. for H. B. 3013, Relating to authorizing the Jefferson County Commission to levy a special district 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. 3059, Give PSC authority to fine Class I railroads for safety and operational violations.; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Reynolds, the bill was amended on page 6, immediately following section 19, by inserting the following new section:

“§24-2G-20: Penalties.

(a) A railroad operator may be subject to a fine or civil penalty in accordance with subsection (b) of this section, upon a determination by the commission or by a court that the railroad operator has failed to substantially comply with the provisions of this article or rules or orders prescribed by the commission.

(b) The commission may fine or obtain civil penalties against a railroad operator for each violation of subsection (a) of this section, in an amount not less than \$100 nor more than \$1000 for each such violation. Any penalty assessed under this section is in addition to any other costs, expenses, or payments for which the railroad operator is responsible under the other provisions of this section.

(c) In addition to fines and civil penalties, the commission may determine and declare and by order require that for violation of the provisions of subsection (a) of this section, the railroad operator must comply with the requirements of this article or orders prescribed by the Commission.”

On motion of Delegate Burkhammer, the bill was amended on page 8, chapter 54, article 1, immediately following the article header by inserting the following:

“§54-1-9. Crossing or alteration of course of works of another entity; civil action; certain utilities crossing railroads; provisions governing.”

(a) If any entity having the power of eminent domain under other provisions of this article including any railroad company, canal company, company organized for the purpose of transporting oil or natural or manufactured gas, or both, by means of pipeline, company organized for the purpose of transporting coal and its derivatives and all mixtures and combinations thereof with any substance by means of pipes or otherwise, telephone or telegraph company, company operating an electric transmission line, private corporation or public corporation operating a system of pipelines for transporting water, private corporation or public corporation operating a sewer system for public use, the West Virginia department of highways, or any county court, deems it necessary in the construction or relocation of its works, or any part thereof, to cross any other railroad, canal, sewer line, pipeline, any state or other public road at grade or otherwise, telephone or telegraph line or electric transmission line, such crossing may be made provided said works be so constructed as not to impede the passage or transportation of persons, property, commodities or sewage along, over or through the same. If any such company, private corporation, public corporation, West Virginia department of highways or county court desire that the course of any other railroad, canal, sewer line, pipeline, state, or other public road, telephone or telegraph line, electric transmission line, or any stream which is not a public highway, be altered to avoid the necessity of any crossing, or of frequent crossings, or to facilitate the crossing thereof, or the construction of a parallel work, the alteration may be made in such manner as may be agreed between the said party desiring such alteration and the owner of such other facility or land to be affected thereby. In case the parties interested fail to agree upon such crossing or alteration as is desired, said party desiring such crossing or alteration may bring a civil action, and in such action the court may, in a proper case, order that any proper crossing, or alteration, may be made upon payment of just compensation for the property or interest in property to be taken and upon payment of damages, if any, to the residue thereof beyond all benefits to be derived thereby. Following said civil action, and if the court order such crossing or alteration may be made, said party desiring such crossing or alteration may thereupon proceed under article two of this chapter to obtain the right to make such crossing or alteration and to have determined the amount of compensation and damages owing as a result thereof.

(b) Definitions— For the purposes of this section:

'Actual flagging expenses' means expenses directly attributable to the cost of maintaining flaggers at the point of the crossing during the period of time construction is actually occurring. 'Actual flagging expenses' shall be considered pass-through expenses and shall not exceed the expense incurred by the railroad company.

'Crossing utility' means an entity having the power of eminent domain under other provisions of this article including any railroad company, canal company, company organized for the purpose of transporting oil or natural or manufactured gas, or both, by means of pipeline, company organized for the purpose of transporting coal and its derivatives and all mixtures and combinations thereof with any substance by means of pipes or otherwise, telephone or telegraph company, company operating an electric transmission line, private corporation or public corporation operating a system of pipelines for transporting water, private corporation or public corporation operating a sewer system for public use, the West Virginia department of transportation, or any county commission

'Direct expenses' includes

(i) the cost of inspecting and monitoring the crossing site;

(ii) administrative and engineering costs for review of specifications and for entering a crossing on the railroad's books, maps, and property records, and other reasonable administrative and engineering costs incurred as a result of the crossing; and

(iii) document and preparation fees associated with a crossing and any engineering specifications related to the crossing.

'Railroad company' includes any company, trustee, or other person that owns, leases, or operates a railroad or owns or leases the land upon which a railroad is operated, and any company, trustee, or other person to which a railroad company has granted rights to collect or retain all or a portion of any revenue stream owed by a third party for use of or access to such railroad company's facilities or property.

'Standard cumulative crossing fee' means a one-time payment to reimburse the railroad company for all direct expenses, and in lieu of any license, application, risk, or occupancy fees. Such fee shall include any personnel costs such as administrative or engineering reviews of a crossing notice or flagging operation.

(c) If a crossing utility deems it necessary in the construction of its systems to cross the works of a railroad company, including its tracks, bridges, facilities, and all railroad company rights of way or easements, then the crossing utility may do so, provided that:

(1) Such crossing shall be:

(i) three hundred feet or less in length;

(ii) located, constructed, and operated so as not to impair, impede, or obstruct, in any material degree, the works and operations of the railroad to be crossed;

(iii) supported by permanent and proper structures and fixtures; and

(iv) controlled by customary and approved appliances, methods, and regulations to prevent damage to the works of the railroad and ensure the safety of its passengers;

(2) The crossing utility shall give the railroad company written notice of the crossing utility's intent to cross the works of such railroad company at least thirty days before the desired crossing date. The written notice shall include:

(i) the standard cumulative crossing fee described in §54-1-9(e);

(ii) preliminary construction plans that show the location of the crossing, including whether it is located in another public right-of-way;

(iii) the proposed date of commencement of work;

(iv) the anticipated duration of the construction of the crossing, and

(v) the contact information of the crossing utility's point of contact.

(d) The crossing utility shall be responsible for all aspects of the implementation of the physical crossing, including the construction and installation of the utility lines and all related equipment, attachments, and infrastructure. The railroad company shall be responsible for flagging operations and other protective measures that it deems appropriate during the period of utility line construction. The crossing utility shall be responsible for ensuring that the crossing is constructed and operated in accordance with all accepted industry standards, including standards established by all the national safety accrediting bodies.

(e) A crossing utility that locates within a railroad right-of-way shall pay the railroad company for the right to make a crossing of the railroad company's works a one-time standard cumulative crossing fee of seven hundred fifty dollars for each crossing unless:

(i) otherwise agreed to by the crossing utility and the railroad company or

(ii) the railroad company has petitioned for inverse condemnation in the circuit court of the county in which the crossing is to be located in accordance with this section.

The crossing utility shall reimburse the railroad company for any actual flagging expenses associated with a crossing in addition to the standard crossing fee if the railroad company schedules the flaggers on or before the proposed crossing date. If the railroad company fails to schedule flaggers on or before the proposed crossing date, then the railroad company shall not be reimbursed for any actual flagging expenses associated with the crossing. The railroad company shall substantiate the actual flagging expenses incurred to qualify for reimbursement.

(f) The crossing utility shall reimburse the railroad company for any actual flagging expenses associated with a crossing in addition to the standard crossing fee if the railroad company schedules the flaggers on or before the proposed crossing date. If the railroad company fails to schedule flaggers on or before the proposed crossing date, then the railroad company shall not be reimbursed for any actual flagging expenses associated with the crossing. The railroad company shall substantiate the actual flagging expenses incurred to qualify for reimbursement.

(g) In no case shall a crossing utility be required to pay a standard cumulative crossing fee for the right to make a crossing of the railroad company's works within another public right-of-way.

(h) If the crossing utility gives notice to the railroad company to cross a section of track that has been legally abandoned pursuant to an order of a federal or state agency having jurisdiction over the track and is not being used for railroad service, then the railroad company shall notify the crossing utility that the specified section of track is legally abandoned within thirty days of such notice. A crossing utility seeking to cross a legally abandoned section of track shall be subject to a reduced one-time standard cumulative crossing fee of five hundred dollars.

(i) If the railroad company asserts that:

(i) the one-time standard cumulative crossing fee is not adequate compensation for the specified crossing;

(ii) the proposed crossing will cause undue hardship on the railroad company; or

(iii) the proposed crossing will create the imminent likelihood of danger to public health or safety;

then the railroad company may petition the circuit court of the county in which the crossing is to be located for inverse condemnation and any other relief pursuant to this section within fifteen days from the date the crossing utility provided notice of the intended crossing. Within thirty days from the date of such notice, the court, in its discretion, may, by notice served upon both parties, suspend work on such crossing for a reasonable time, not to exceed sixty days, upon a showing by the railroad sufficient to obtain injunctive relief under the rules of civil procedure on the grounds that:

(i) the proposed crossing will cause undue hardship on the railroad company; or

(ii) the proposed crossing will create the imminent likelihood of danger to public health or safety.

(j) A crossing utility may petition the circuit court in the county in which the crossing is to be located for injunctive and other relief under the rules of civil procedure.

(k) The state shall grant a right-of-way or permit to any crossing utility seeking to use the right-of-way or permit for utility expansion to the extent that the state owns any interest in any real property crossed by a railroad or manages any real property not owned by the state that is crossed by a railroad.

(l) The provisions of this section shall apply notwithstanding any contrary provision of law.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 3114, Deny severance pay to employees of DOT for failure or refusal of drug testing; 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. 3214, To create the Road Optimization & Assessment Data (ROAD) Pilot Project; 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. 3274, Creating the Affordable Medicaid Buy-in Program; 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. 3341, To allow cigar bars; 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. 3398, Relating to the establishment of the West Virginia Memorial to Fallen Heroes of the Global War on Terrorism; 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. 3409, Relating to authorizing application of the manufacturing investment tax credit and the manufacturing property tax adjustment credit against personal income tax; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3444, Relating to the creation of the West Virginia Semiquincentennial Commission and Fund; 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. 3445, Relating generally to probation and parole; on second reading, coming up in regular order, was reported by the Clerk.

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

Com. Sub. for H. B. 3450, Relating generally to racetrack video lottery and the Licensed Racetrack Modernization Fund; on second reading, coming up in regular order, was read a second time.

Delegate Butler moved to amend the bill on page 2, section 10, line 18, after the word "through" by striking the date "June 30, 2030" and inserting in lieu thereof the date "June 30, 2023";

On page 2, section 10, line 26, after the word "code" by inserting the following:

"which funds among other items the promise scholarship, West Virginia infrastructure, economic development, school building debt service, state parks improvement, and the general purpose account for appropriations of the legislature";

AND,

On page 2, section 10, beginning on line 28, after the word "beginning" by striking the date "July 1, 2030" and inserting in lieu thereof the date "July 1, 2023".

On the question of adoption of the amendment, the same was put and did not prevail.

On motion of Delegates McGeehan and Criss, the bill was amended beginning on page three, line sixty-three, through page four, line eighty-one, by striking out subdivision (3) in its entirety and inserting the following:

"(3) The county where the video lottery terminals are located shall receive two percent of the net terminal income: *Provided*, That:

(A) Beginning July 1, 1999, and thereafter, any amount in excess of the two percent received during the fiscal year 1999 by a county in which a racetrack is located that has participated in the West Virginia Thoroughbred Development Fund since on or before January 1, 1999, shall be divided as follows:

(i) The county shall receive 50 percent of the excess amount; and

(ii) The municipalities of the county shall receive 50 percent of the excess amount, said 50 percent to be divided among the municipalities on a per capita basis as determined by the most recent decennial United States census of population; and

(B) Beginning July 1, 1999, and thereafter, any amount in excess of the two percent received during the fiscal year 1999 by a county in which a racetrack other than a racetrack described in

paragraph (A) of this subdivision is located and where the racetrack has been located in a municipality within the county since on or before January 1, 1999, shall be divided, if applicable, as follows:

- (i) The county shall receive 50 percent of the excess amount; and
- (ii) The municipality shall receive 50 percent of the excess amount; and

~~(C) This proviso shall not affect the amount to be received under this subdivision by any other county other than a county described in paragraph (A) or (B) of this subdivision;~~

(C) In a county in which a racetrack other than a racetrack described in paragraphs (A) or (B) of this subdivision is located and where the racetrack has been located within that county since on or before January 1, 1999, and where the racetrack is not located in a municipality, the two percent of net terminal income shall be divided, if applicable, as follows:

(i) The county shall receive one percent; and

(ii) The remaining one percent shall be distributed in equal shares to all municipalities located wholly within the county. Per capita population has no effect on distributions under this paragraph.”

And,

On page ten, following line 222, by inserting a new section to read as follows:

“§29-22A-10b. Distribution of excess net terminal income.

(a) For all years beginning on or after July 1, 2001, any amount of net terminal income generated annually by a licensed racetrack in excess of the amount of net terminal income generated by that licensed racetrack during the fiscal year ending on June 30, 2001, shall be divided as follows:

(1) The Commission shall receive forty-one percent of net terminal income, which the Commission shall deposit in the state Excess Lottery Revenue Fund created in §29-22-18a of this code;

(2) Until July 1, 2005, eight percent of net terminal income at a licensed racetrack shall be deposited in the special fund established by the licensee and used for payment of regular purses in addition to other amounts provided in §19-23-1 *et seq.* of this code; on and after July 1, 2005, the rate shall be four percent of net terminal income;

(3) The county where the video lottery terminals are located shall receive two percent of the net terminal income: *Provided, That:*

(A) Any amount by which the total amount under this section and §29-22A-10(c)(3) of this code is in excess of the two percent received during fiscal year 1999 by a county in which a racetrack is located that has participated in the West Virginia Thoroughbred Development Fund since on or before January 1, 1999, shall be divided as follows:

- (i) The county shall receive 50 percent of the excess amount; and

(ii) The municipalities of the county shall receive 50 percent of the excess amount, the 50 percent to be divided among the municipalities on a per capita basis as determined by the most recent decennial United States census of population; and

(B) Any amount by which the total amount under this section and §29-22A-10(c)(3) of this code is in excess of the two percent received during fiscal year 1999 by a county in which a racetrack other than a racetrack described in paragraph (A) of this proviso is located and where the racetrack has been located in a municipality within the county since on or before January 1, 1999, shall be divided, if applicable, as follows:

(i) The county shall receive 50 percent of the excess amount; and

(ii) The municipality shall receive 50 percent of the excess amount; and

~~(C) This proviso shall not affect the amount to be received under this subdivision by any county other than a county described in paragraph (A) or (B) of this proviso;~~

(C) In a county in which a racetrack other than a racetrack described in paragraphs (A) or (B) of this subdivision is located and where the racetrack has been located within that county since on or before January 1, 1999, and where the racetrack is not located in a municipality, the two percent of net terminal income shall be divided, if applicable, as follows:

(i) The county shall receive one percent; and

(ii) The remaining one percent shall be distributed in equal shares to all municipalities located wholly within the county. Per capita population has no effect on distributions under this paragraph;

(4) One half of one percent of net terminal income shall be paid for and on behalf of all employees of the licensed racing association by making a deposit into a special fund to be established by the Racing Commission to be used for payment into the pension plan for all employees of the licensed racing association;

(5) The West Virginia Thoroughbred Development Fund created under §19-23-13b of this code and the West Virginia greyhound breeding development fund created under §19-23-10 of this code shall receive an equal share of a total of not less than one and one-half percent of the net terminal income.

(6) The West Virginia Racing Commission shall receive one percent of the net terminal income which shall be deposited and used as provided in §19-23-13c of this code;

(7) A licensee shall receive forty-two percent of net terminal income;

(8) The tourism promotion fund established in §5B-2-12 of this code shall receive three percent of the net terminal income: *Provided*, That for each fiscal year beginning after June 30, 2004, this three percent of net terminal income shall be distributed pursuant to the provisions of §29-22A-10(c)(8)(B) of this code;

(9) (A) On and after July 1, 2005, four percent of net terminal income shall be deposited into the Workers' Compensation Debt Reduction Fund created in §23-2D-5 of this code: *Provided*, That in any fiscal year when the amount of money generated by this subdivision together with the total allocation transferred by the operation of §29-22A-10(c)(9) of this code totals \$11 million, all

subsequent distributions under this subdivision (9) during that fiscal year shall be deposited in the special fund established by the licensee and used for payment of regular purses in addition to other amounts provided in §19-23-1 *et seq.* of this code;

(B) The deposit of the four percent of net terminal income into the Worker's Compensation Debt Reduction Fund pursuant to this subdivision shall expire and not be imposed with respect to these funds, which shall be deposited in the special fund established by the licensee and used for payment of regular purses in addition to the other amounts provided in §19-23-1 *et seq.* of this code on and after the first day of the month following the month in which the Governor certifies to the Legislature that: (i) The revenue bonds issued pursuant to §23-2D-1 *et seq.* of this code have been retired or payment of the debt service is provided for; and (ii) that an independent certified actuary has determined that the unfunded liability of the Old Fund, as defined in chapter twenty-three of this code, has been paid or provided in its entirety; and

(10) (A) One percent of the net terminal income shall be deposited in equal amounts in the capitol dome and improvements fund created under §5A-4-2 of this code and cultural facilities and capitol resources matching grant program fund created under §29-1-3 of this code; and

(B) Notwithstanding any provision of paragraph (A) of this subdivision to the contrary, for each fiscal year beginning after June 30, 2004, this one percent of net terminal income shall be distributed pursuant to the provisions of §29-22A-10(c)(9)(B)(ii) of this code.

(b) The Commission may establish orderly and effective procedures for the collection and distribution of funds under this section in accordance with the provisions of this section and §29-22A-10 of this code.”

The bill was then ordered to engrossment and third reading.

H. B. 3459, To allow for a best value procurement evaluation for prequalified bidders; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3473, Creating a workgroup relating to Dig Once Policy; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Linville, the bill was amended on page 1, section 10, line 2, immediately following the word “Protection” by inserting the following:

“a designee of West Virginia 811,”

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 3479, Creating requirements for use of unmanned aircraft; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Ridenour, the bill was amended on page 1, in the Article header, immediately following the word “unmanned” by striking “aircraft system” and inserting in lieu thereof “aerial vehicle”.

And,

On page 1, section 1, line 3, immediately following the word “unmanned” by striking “aircraft vehicles or systems” and inserting in lieu thereof “aerial vehicles”.

And,

On page 1, section 1, line 6, immediately following the word “unmanned” by striking “aircraft system or system” and inserting in lieu thereof “aerial vehicles”.

And,

On page 1, section 1, line 11, immediately following the word “unmanned” by striking “aircraft system” and inserting in lieu thereof “aerial vehicle”.

And,

On page 1, section 1, line 12, immediately following the word “unmanned” by striking “aircraft system” and inserting in lieu thereof “aerial vehicle”.

And,

On page 1, section 2, in the section heading, immediately following the word “unmanned” by striking “aircraft system” and inserting in lieu thereof “aerial vehicle”.

And,

On page 1, section 2, line 2, immediately following the word “unmanned” by striking “aircraft system” and inserting in lieu thereof “aerial vehicle”.

And,

On page 2, section 2, line 14, immediately following the word “unmanned” by striking “aircraft system” and inserting in lieu thereof “aerial vehicle”.

And,

On page 2, section 2, line 16, immediately following the word “unmanned” by striking “aircraft system” and inserting in lieu thereof “aerial vehicle”.

And,

On page 2, section 2, line 24, immediately following the word “unmanned” by striking “aircraft system” and inserting in lieu thereof “aerial vehicle”.

And,

on page 2, section 2, line 29, immediately following the word “unmanned” by striking “aircraft system” and inserting in lieu thereof “aerial vehicle”.

And,

On page 2, section 2, line 32, immediately following the word “unmanned” by striking “aircraft system” and inserting in lieu thereof “aerial vehicle”.

And,

On page 3, section 2, line 42, immediately following the word “unmanned” by striking “aircraft system” and inserting in lieu thereof “aerial vehicle”.

And,

On page 2, section 2, line 43, immediately following the word “unmanned” by striking “aircraft system” and inserting in lieu thereof “aerial vehicle”.

And,

On page 2, section 2, line 47, immediately following the word “unmanned” by striking “aircraft system” and inserting in lieu thereof “aerial vehicle”.

And,

On page 2, section 2, line 52, immediately following the first occurrence of the word “unmanned” by striking “aircraft systems” and inserting in lieu thereof “aerial vehicles”.

And,

On page 2, section 2, line 52, immediately following the second occurrence of the word “unmanned” by striking “aircraft system” and inserting in lieu thereof “aerial vehicle”.

And,

On page 2, section 2, line 53, immediately following the word “unmanned” by striking “aircraft system” and inserting in lieu thereof “aerial vehicle”.

The bill was then ordered to engrossment and third reading.

H. B. 3493, Relating to prohibiting certain foreign ownership of agricultural land; 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. 3551, Provide for criminal history record restrictions for certain persons; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3552, Relating to per diem jail costs; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Hillenbrand, the bill was amended on page 4, section 16, line 96, by inserting the words “, or of a Class III municipal corporation as defined in §8-1-3 of this code but with a population in excess of 4,000 according to the most recent census taken under the authority of the United States,” following the word “code”.

The bill was then ordered to engrossment and third reading.

H. B. 3554, Relating to prohibiting a municipality or the governing body of any municipality from limiting rental of a property; on second reading, coming up in regular order, was reported by the Clerk.

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

H. B. 3556, Uniform Recognition and Enforcement of Canadian Domestic Violence Protective Orders Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Delegate Householder asked and obtained unanimous consent to return to further consideration of Com. Sub. for S. B. 602.

Pursuant to House Rule 58, Delegate Householder moved to reconsider the vote taken on dispensing the committee reference to the Committee on Finance.

On the motion to reconsider the vote on dispensing with the second reference to the Committee on Finance on Com. Sub. for S. B. 602, the yeas and nays were demanded, which demand was sustained.

Having been ordered, the yeas and nays were taken (**Roll No. 251**), and there were—yeas 48, nays 34, absent and not voting 18, with the nays and the absent and not voting being as follows:

Nays: Anderson, Brooks, Butler, Criss, Dean, Dillon, Espinosa, Fehrenbacher, Fluharty, Foggin, Garcia, Griffith, Hansen, Heckert, Honaker, Hornbuckle, Howell, Longanacre, E. Pritt, Pushkin, Reynolds, Ridenour, Ross, Rowe, Sheedy, Skaff, Storch, Toney, Tully, Vance, Walker, Willis, Young and Zatezalo.

Absent and Not Voting: Adkins, Bridges, Capito, Ellington, Ferrell, Hardy, Horst, Hott, Kirby, Kump, Martin, Maynor, Pinson, Riley, Steele, Westfall, Williams and Worrell.

So, a majority of the members present having voted in the affirmative, the motion to reconsider was adopted.

On the motion to dispense with the second reference to the Committee on Finance, the yeas and nays were taken (**Roll No. 252**), and there were—yeas 51, nays 31, absent and not voting 18, with the nays and the absent and not voting being as follows:

Nays: Anderson, Brooks, Butler, Criss, Dean, Dillon, Espinosa, Fehrenbacher, Fluharty, Foggin, Garcia, Griffith, Hansen, Heckert, Honaker, Hornbuckle, Howell, Longanacre, E. Pritt, Pushkin, Reynolds, Ross, Rowe, Sheedy, Skaff, Storch, Tully, Vance, Walker, Willis and Young.

Absent and Not Voting: Adkins, Bridges, Capito, Ellington, Ferrell, Hardy, Horst, Hott, Kirby, Kump, Martin, Maynor, Pinson, Riley, Steele, Westfall, Williams and Worrell.

So, two thirds of the members present not having voted in the affirmative, the motion to dispense with the second reference was rejected.

First Reading

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

Com. Sub. for H. B. 2026, Authorizing municipalities with police or firefighter employees in PERS to elect to become participating employer in Municipal Police Officer and Firefighter Retirement System for a limited time,

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

Com. Sub. for H. B. 2860, To dispose of old AFFF foam accumulated by fire departments,

Com. Sub. for H. B. 3042, Relating to forbidding excessive government limitations on exercise of religion,

Com. Sub. for H. B. 3095, Creating a Department of Economic Development grant program relating to agricultural vocational and technical training facilities at West Virginia schools,

Com. Sub. for H. B. 3211, Relating to authorizing service credit for unused accrued annual or sick leave days for use in determining retirement benefits in the Municipal Police Officer and Firefighter Retirement System,

Com. Sub. for H. B. 3232, Regulation of Fantasy Gaming Competitions and Implementation of Sports Wagering,

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

Com. Sub. for H. B. 3254, Establishing a State Military Funeral Honor Guard in honor of Hershel "Woody" Williams, known as the Hershel "Woody" Williams State Military Funeral Honor Guard,

Com. Sub. for H. B. 3271, Relating to increasing monitoring of special education classrooms,

Com. Sub. for H. B. 3280, Authorizing adjustment from federal adjusted gross income for certain law enforcement pension benefit payments,

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

Com. Sub. for H. B. 3363, Law Enforcement Officers Safety Act,

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

H. B. 3432, Relating to statutory construction,

H. B. 3519, Making a supplementary appropriation to the Department of Transportation, Division of Motor Vehicles,

H. B. 3520, Making a supplementary appropriation to the Department of Education, State Board of Education – Vocational Division,

H. B. 3521, Making a supplementary appropriation to the Division of Health – Maternal and Child Health,

H. B. 3522, Making a supplementary appropriation to the Department of Commerce, Division of Natural Resources – License Fund – Wildlife Resources,

H. B. 3523, Making a supplementary appropriation to Miscellaneous Boards and Commissions, Economic Development Authority,

H. B. 3528, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations,

And,

H. B. 3558, Relating to providing an exception to the provisions of the Uniform Common Interest Ownership Act (UCOIA).

Leaves of Absence

At the request of Delegate Jeffries, and by unanimous consent, leaves of absence for the day were granted Delegates Bridges, Ellington, Hott and Williams.

Miscellaneous Business

At the request of Delegate Linville, and by unanimous consent, the report from which the Delegate read during his remarks regarding Com. Sub. for H. B. 3247, was ordered printed in the Appendix to the Journal.

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

H. B. 2898: Delegate Cooper;

H. B. 3049: Delegates Forsht and Mazzocchi;

H. B. 3075: Delegate Mallow;

H. B. 3186: Delegate Worrell;

H. B. 3331: Delegate Kump;

H. B. 3354: Delegate Foster;

H. B. 3369: Delegates Fast, Kimble and Westfall;

H. B. 3405: Delegates Kirby and Ridenour;

H. C. R. 7: Delegate Ridenour;

And,

H. C. R. 44: Delegate Ridenour.

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

H. B. 3075: Delegate Riley.

At 7:37 p.m., the House of Delegates adjourned until 9:00 a.m., Saturday, February 25, 2023.

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

SPECIAL CALENDAR

Saturday, February 25, 2023

46th Day

9:00 A. M.

THIRD READING

- Com. Sub. for H. B. 2016 - Relating to confidential childcare records (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2064 - To create commercial opportunity zones to attract new businesses to West Virginia (HOWELL) (JULY 1, 2023)
- Com. Sub. for H. B. 2065 - West Virginia Heavy Duty Truck Excise Tax Elimination Act (HOWELL) (JULY 1, 2023)
- 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. 3006 - West Virginia Critical Infrastructure Protection Act (CAPITO) (REGULAR) [AMENDMENT PENDING]
- 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)
- Com. Sub. for H. B. 3114 - Deny severance pay to employees of DOT for failure or refusal of drug testing (CAPITO) (REGULAR)
- 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)

- 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)
- H. B. 3493 - Relating to prohibiting certain foreign ownership of agricultural land (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3551 - Provide for criminal history record restrictions for certain persons (CAPITO) (REGULAR)
- H. B. 3552 - Relating to per diem jail costs (KELLY) (REGULAR)
- H. B. 3556 - Uniform Recognition and Enforcement of Canadian Domestic Violence Protective Orders Act (CAPITO) (REGULAR)

SECOND READING

- Com. Sub. for H. B. 2026 - Authorizing municipalities with police or firefighter employees in PERS to elect to become participating employer in Municipal Police Officer and Firefighter Retirement System for a limited time (CRISS) (REGULAR)
- Com. Sub. for H. B. 2122 - Relating to custodial interrogation of a child (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2305 - Relating to titling and registration of foreign market vehicles (PHILLIPS) (REGULAR)
- Com. Sub. for H. B. 2860 - To dispose of old AFFF foam accumulated by fire departments (PHILLIPS) (REGULAR)
- Com. Sub. for H. B. 3042 - Relating to forbidding excessive government limitations on exercise of religion (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3095 - Creating a Department of Economic Development grant program relating to agricultural vocational and technical training facilities at

West Virginia schools (ELLINGTON) (REGULAR)

- Com. Sub. for H. B. 3211 - Relating to authorizing service credit for unused accrued annual or sick leave days for use in determining retirement benefits in the Municipal Police Officer and Firefighter Retirement System (CRISS) (REGULAR)
- Com. Sub. for H. B. 3232 - Regulation of Fantasy Gaming Competitions and Implementation of Sports Wagering (CAPITO) (REGULAR)
- H. B. 3244 - Relating to Municipal Pensions Oversight Board proposing legislative rules (CRISS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 3254 - Establishing a State Military Funeral Honor Guard in honor of Hershel "Woody" Williams, known as the Hershel "Woody" Williams State Military Funeral Honor Guard (CRISS) (REGULAR)
- Com. Sub. for H. B. 3271 - Relating to increasing monitoring of special education classrooms (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3280 - Authorizing adjustment from federal adjusted gross income for certain law enforcement pension benefit payments (CRISS) (REGULAR)
- H. B. 3299 - Relating to Natural Resource Police Officer Retirement (CRISS) (REGULAR) [FINANCE COMMITTEE TITLE AMENDMENT PENDING]
- Com. Sub. for H. B. 3363 - Law Enforcement Officers Safety Act (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3364 - Requiring the closure of certain municipal policemen's and firemen's pension and relief funds as condition of issuance of pension funding revenue bonds (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3432 - Relating to statutory construction (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3445 - Relating generally to probation and parole (CAPITO) (REGULAR)
- H. B. 3519 - Making a supplementary appropriation to the Department of Transportation, Division of Motor Vehicles (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3520 - Making a supplementary appropriation to the Department of Education, State Board of Education – Vocational Division (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3521 - Making a supplementary appropriation to the Division of Health – Maternal and Child Health (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3522 - Making a supplementary appropriation to the Department of Commerce, Division of Natural Resources – License Fund – Wildlife Resources (CRISS) (EFFECTIVE FROM PASSAGE)

- H. B. 3523 - Making a supplementary appropriation to Miscellaneous Boards and Commissions, Economic Development Authority (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3528 - Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3554 - Relating to prohibiting a municipality or the governing body of any municipality from limiting rental of a property (HOWELL) (REGULAR)
- H. B. 3558 - Relating to providing an exception to the provisions of the Uniform Common Interest Ownership Act (UCOIA) (HOWELL) (REGULAR)

FIRST READING

- Com. Sub. for S. B. 205 - Relating to registration plates (LINVILLE) (REGULAR) [TECHNOLOGY AND INFRASTRUCTURE COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 439 - Establishing design-build program for DEP (LINVILLE) (REGULAR)
- S. B. 591 - Allowing counties and municipalities to jointly undertake development projects (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2814 - To create a Hydrogen power task force (ANDERSON) (REGULAR)
- H. B. 2875 - Clarifying that Circuit Court Judges have the ability/authority to waive the requirement that a party pass a home study performed by the DHHR (CAPITO) (REGULAR)
- H. B. 2878 - To grant the Fleet Management Division oversight authority of the state vehicle fleet (PHILLIPS) (REGULAR) [GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING]
- Com. Sub. for H. B. 2953 - Creating the Commission on Cost-of-Living Adjustments (CRISS) (REGULAR)
- Com. Sub. for H. B. 2989 - Relating to increasing the number of out-of-state medical students receiving in-state tuition rates who agree to practice for a specific time within West Virginia (CRISS) (REGULAR)
- Com. Sub. for H. B. 3018 - Establishing that 18 is the age of consent and removing the ability of an underage person to obtaining a consent to marry through their parents, legal guardians, or by petition to the circuit court (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3035 - Relating generally to high-quality education programs and school operations (CRISS) (REGULAR)

- H. B. 3066 - Supplementing and amending appropriations to the Department of Education, State Board of Education - State Aid to Schools (CRISS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 3084 - Relating to revising provisions related to public charter schools (CRISS) (JULY 1, 2023)
- H. B. 3146 - Establishing in West Virginia Code, the contents of the Uniform Public Meetings During Emergencies Act (CAPITO) (REGULAR)
- H. B. 3156 - Raising the compensation rates of panel attorneys (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3224 - Adding West Virginia Junior College to the list of eligible institutions that accept PROMISE scholarship recipients (CRISS) (REGULAR)
- Com. Sub. for H. B. 3270 - To amend the deliberate intent statute to limit noneconomic damages to \$250,000 (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3315 - Relating generally to readiness enhancement and commission bonuses (CRISS) (REGULAR)
- H. B. 3330 - Creating family court circuits and assigning the number of family court judges in each family court circuit to be elected in the 2024 election (CAPITO) (REGULAR)
- H. B. 3331 - Relating generally to support staff in the family courts and magistrate courts of this state (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3332 - Creating judicial circuits and assigning the number of circuit judges in each circuit to be elected in the 2024 election (CAPITO) (REGULAR)
- H. B. 3342 - Relating to cooperation between municipal and county economic development authorities (CRISS) (REGULAR)
- H. B. 3360 - Creating an office of the Inspector General within the Department of Homeland Security (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3369 - Creating a School Safety Unit within the Division of Protective Services (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3370 - Creating loan program for certain properties and developments on U. S. Army Corps of Engineers land, state parks and resorts (CRISS) (REGULAR)
- H. B. 3439 - To limit the civil liability of child placing agencies that obtain an insurance policy in an amount not less than \$1 million per incident (CAPITO) (REGULAR)

- H. B. 3443 - Relating to a development or improvement on land subject to review by the State Historic Preservation Office (HOWELL) (REGULAR)
- H. B. 3464 - Relating to the transfer of certain revenues derived from lottery activities (CRISS) (REGULAR) [FINANCE COMMITTEE TITLE AMENDMENT PENDING]
- H. B. 3510 - Making a supplementary appropriation to the Department of Administration, Office of Technology – Chief Technology Officer Administration Fund (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3526 - Making a supplementary appropriation to Miscellaneous Boards and Commissions, Public Service Commission (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3527 - Supplementing and amending appropriations to Department of Education, School Building Authority (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3529 - Making a supplementary appropriation to the Department of Commerce, State Board of Rehabilitation – Division of Rehabilitation Services (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3559 - Relating to defining a newborn safety device (CAPITO) (REGULAR)
- H. B. 3560 - Relating to expanding the definitions of land and recreational purposes (HOWELL) (REGULAR)

HOUSE CALENDAR

Saturday, February 25, 2023

46th Day

9:00 A. M.

THIRD READING

- Com. Sub. for H. B. 2075 - To provide a means to classify when medications should be continued or stopped for patients (SUMMERS) (REGULAR)
- Com. Sub. for H. B. 2498 - To require medication-assisted treatment programs to have written policies concerning community relations (SUMMERS) (REGULAR)
- H. B. 2955 - Relating to the establishment and operation of regional water, wastewater and stormwater authorities (PHILLIPS) (REGULAR)
- 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)

SECOND READING

- Com. Sub. for S. B. 188 - Grid Stabilization and Security Act of 2023 (CRISS) (REGULAR)
- Com. Sub. for S. B. 594 - Specifying fairness in cost sharing calculations for certain high deductible health plans (EFFECTIVE FROM PASSAGE)
- 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)
- Com. Sub. for H. B. 2900 - Relating to the Deputy Sheriff Retirement System (CRISS) (REGULAR)
- H. B. 3408 - To clean up statutory provisions regarding the Hope Scholarship program to better reflect the intent and operation of the program (ELLINGTON) (REGULAR)

- H. B. 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)
- 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)

FIRST READING

- Com. Sub. for S. B. 51 - Requiring impact statement in certain instances of school closing or consolidation (ELLINGTON) (REGULAR)
- S. B. 131 - Allowing municipal fire marshals to receive service weapon upon retirement (MALLOW) (REGULAR)
- 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. 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)

- H. B. 3072 - Supplementing and amending appropriations to Department of Homeland Security, Division of Administrative Services (CRISS) (EFFECTIVE FROM PASSAGE)
- 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. 3421 - Recodifying the code to eliminate conflicts (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)

**WEST VIRGINIA
HOUSE OF DELEGATES**

SATURDAY, FEBRUARY 25, 2023

HOUSE CONVENES AT 9:00 A.M.

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

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

**COMMITTEE ON GOVERNMENT ORGANIZATION
IMMEDIATELY FOLLOWING FLOOR SESSION – ROOM 215-E**

**COMMITTEE ON FINANCE
3:00 P.M. – ROOM 460-M**

MONDAY, FEBRUARY 27, 2023

**PUBLIC HEARING
COMMITTEE ON ENERGY AND MANUFACTURING
9:00 A.M. – HOUSE CHAMBER**

**H. B. 3446, CLARIFYING THE POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION AS TO ELECTRIC
GENERATING FACILITIES.**

TUESDAY, FEBRUARY 28, 2023

**PUBLIC HEARING
VETERANS' AFFAIRS AND HOMELAND SECURITY
9:00 A.M. – HOUSE CHAMBER**

**H. B. 3157, RELATING TO CLARIFYING THE DUTIES, FUNCTIONS, PROHIBITIONS AND RESTRICTIONS
APPLICABLE TO THE WEST VIRGINIA FUSION CENTER.**

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