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March 2, 2023
FIFTY-FIRST DAY

Thursday, March 2, 2023

FIFTY-FIRST DAY

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

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

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

The Clerk proceeded to read the Journal of Wednesday, March 1, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Kimble announced that Com. Sub. for S. B. 188 and Com. Sub. for S. B. 594, on Second Reading, House Calendar, had been transferred to the Special Calendar; and Com. Sub. for S. B. 51, S. B. 131, Com. Sub. for S. B. 160, Com. Sub. for S. B. 205, S. B. 246, Com. Sub. for S. B. 439, Com. Sub. for S. B. 463 and S. B. 591, on First Reading, House Calendar, had been transferred to the Special Calendar.

Committee Reports

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. 2024, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2024 – “A Bill making appropriations of public money out of the Treasury in accordance with section 51, article VI of the Constitution,”

With the recommendation that the committee substitute do pass.

At the respective requests of Delegate Kimble, and by unanimous consent, the bill (Com. Sub. for H. B. 2024) was taken up for immediate consideration, read a first time, and ordered to second reading.

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:

Com. Sub. for S. B. 539, Authorizing state and subdivisions to negotiate price for construction when all bids received exceed maximum budget,

And,

S. B. 597, Allowing Workforce WV to hire classified service exempt employees,

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

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

Your Committee on Government Organization has had under consideration:

S. B. 533, Relating to limitations on motor vehicle used by nonprofit cooperative recycling associations,

And,

Com. Sub. for S. B. 656, Verifying legal employment status of workers to governmental agencies,

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

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:

S. B. 529, Allowing businesses to register as limited liability limited partnerships,

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

Messages from the Executive

Communication from His Excellency, the Governor, advised that on March 1, 2023, he approved **Com. Sub. for H. B. 2845**, **Com. Sub. for H. B. 3164**, **Com. Sub. for S. B. 10** and **Com. Sub. for S. B. 89**.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2993, Relating to rural emergency hospital licensure.

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

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

“ARTICLE 5B. HOSPITALS AND SIMILAR INSTITUTIONS.

§16-5B-14. ~~The Critical Access Hospital Designation~~ Rural Emergency Hospital Act.

(a) Definitions – As used in this section:

(1) 'Critical Access Hospital' means a hospital that has been deemed eligible and received designation as a critical access hospital by the Centers for Medicare and Medicaid Services (CMS).

(2) 'Rural Emergency Hospital' means a facility that:

(A) Was a critical access hospital;

(B) Does not provide acute care inpatient services; and

(C) Provides, at a minimum, rural emergency hospital services.

(3) 'Rural Emergency Hospital Services' means emergency department services and observation care furnished by a rural emergency hospital that does not exceed an annual per patient average of 24 hours in such rural emergency hospital.

(4) 'Staffed Emergency Department' means an emergency department of a rural emergency hospital that meets the following requirements:

(A) The emergency department is staffed 24 hours a day, 7 days a week; and

(B) A licensed physician, advanced practice registered nurse, clinical nurse specialist, or physician assistant is available to furnish rural emergency hospital services in the facility 24 hours a day.

(b) A hospital located in an urban area (Metropolitan Statistical Areas (MSA) county), can be considered rural for the purposes of a designation as a critical access hospital pursuant to U.S.C. §1395i-4(c)(2) if it meets the following criteria:

(1) Is enrolled as both a Medicaid and Medicare provider and accepts assignment for all Medicaid and Medicare patients;

(2) Provides emergency health care services to indigent patients;

(3) Maintains 24-hour emergency services; and

(4) Is located in a county that has a rural population of 50 percent or greater as determined by the most recent United States decennial census.

~~(b)~~ (c) A critical access hospital designated pursuant to this section may apply to be designated licensed as a community outpatient medical center rural emergency hospital if:

(1) It has been designated as a critical access hospital for at least one year; and

(2) It is designated as a critical access hospital at the time of application for licensure as a ~~to convert to a community outpatient medical center~~ rural emergency hospital.

~~(e)~~ (d) In addition to the requirements of subsection ~~(b)~~ (c) of this section, ~~a community outpatient medical center~~ rural emergency hospital shall, at a minimum:

(1) Provide ~~emergency medical care and observation care 24 hours a day, seven days a week;~~ rural emergency hospital services through a staffed emergency department;

(2) Treat all patients regardless of insurance status; and

(3) Have ~~protocols in place for the timely transfer of patients who require a higher level of care in effect a transfer agreement with a Level I or Level II trauma center.~~

(e) A rural emergency hospital may:

(1) With respect to services furnished on an outpatient basis, provide other medical and health services as specified by the secretary through rulemaking; and

(2) Include a unit of a facility that is a distinct part licensed as a skilled nursing facility to furnish post-hospital extended care services.

~~(d)~~ (f) The department of ~~Health and Human Resources~~ shall propose a ~~new~~ rule for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code to implement the provisions of this section.”

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

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 404)**, 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: Ellington, Hardy, Hornbuckle, Howell, Pinson, C. Pritt and Skaff.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2993) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 3113, Requiring high school students to complete course of study in personal finance.

On motion of Delegate Householder, the House of Delegates concurred in the following amendment of the bill by the Senate, with further amendment, amending the title.

On page 1, section 2, line 7, by striking out all of subsection (c) and inserting in lieu thereof a new subsection (c), to read as follows:

“(c) Beginning with the class of students entering 9th grade in the 2024-2025 school year and thereafter, each high school student shall complete one-half credit course of study in personal

finance during their 11th or 12th grade year as a requirement for high school graduation. The State Board of Education shall develop and issue implementation guidance to local school boards and other education agencies as to curriculum, content matter standards, eligible teacher certification(s), and graduation requirements the course may fulfill before July 1, 2024.”

With the further amendment sponsored by Delegate Ellington, amending the title of the bill to read as follows:

Com. Sub. for S. B. 3113 – “A Bill to amend and reenact §18-2-7c of the Code of West Virginia, 1931, as amended, relating to requiring each high school student to complete a one-half credit course of study in personal finance as a requirement for high school graduation; providing beginning class of students and grade level requirement; requiring implementation guidance by State Board and specifying guidance content.”

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 405**), and there were—yeas 93, nays 1, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Kimble.

Absent and Not Voting: Ellington, Hardy, Hornbuckle, Howell, Pinson and Skaff.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3113) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

H. B. 3141, Relating to the practice of dentistry.

On motion of Delegate Householder, the House concurred in the following amendment by the Senate, with further amendment:

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

“ARTICLE 4. WEST VIRGINIA DENTAL PRACTICE ACT.

§30-4-3. Definitions.

As used in §30-4-1 *et seq.*, §30-4A-1 *et seq.*, and §30-4B-1 *et seq.* of this code, the following words and terms have the following meanings:

‘AAOMS’ means the American Association of Oral and Maxillofacial Surgeons;

'AAPD' means the American Academy of Pediatric Dentistry;

'ACLS' means advanced cardiac life support;

'ADA' means the American Dental Association;

'AMA' means the American Medical Association;

'ASA' means American Society of Anesthesiologists;

'Anxiolysis/minimal sedation' means removing, eliminating, or decreasing anxiety by the use of a single anxiety or analgesia medication that is administered in an amount consistent with the manufacturer's current recommended dosage for the unsupervised treatment of anxiety, insomnia, or pain, in conjunction with nitrous oxide and oxygen. This does not include multiple dosing or exceeding current normal dosage limits set by the manufacturer for unsupervised use by the patient at home for the treatment of anxiety;

'Approved dental hygiene program' means a program that is approved by the board and is accredited, or its educational standards are deemed by the board to be substantially equivalent to those required by the Commission on Dental Accreditation of the American Dental Association;

'Approved dental school, college, or dental department of a university' means a dental school, college, or dental department of a university that is approved by the board and is accredited, or its educational standards are deemed by the board to be substantially equivalent to those required by the Commission on Dental Accreditation of the American Dental Association;

'Authorize' means that the dentist is giving permission or approval to dental auxiliary personnel to perform delegated procedures in accordance with the dentist's diagnosis and treatment plan;

'BLS' means basic life support;

'Board' means the West Virginia Board of Dentistry;

'Business entity' means any firm, partnership, association, company, corporation, limited partnership, limited liability company, or other entity;

'Central nervous system anesthesia' means an induced, controlled state of unconsciousness or depressed consciousness produced by a pharmacologic method;

'Certificate of qualification' means a certificate authorizing a dentist to practice a specialty;

'CPR' means cardiopulmonary resuscitation;

'Conscious sedation/moderate sedation' means an induced, controlled state of depressed consciousness, produced through the administration of nitrous oxide and oxygen and/or the administration of other agents whether enteral or parenteral, in which the patient retains the ability to independently and continuously maintain an airway and to respond purposefully to physical stimulation and to verbal command;

'CRNA' means certified registered nurse anesthetist;

'Defibrillator' means ~~a device used to sustain asthmatic heartbeat in an emergency~~ an electronic device that applies an electric shock to the heart to restore the normal functional rhythm of a fibrillating, nonfunctional heart and includes an Automatic Electronic Defibrillator (AED);

'Delegated procedures' means those procedures specified by law or by rule of the board and performed by dental auxiliary personnel under the supervision of a licensed dentist;

'Dentist anesthesiologist' means a dentist who is trained in the practice of anesthesiology and has completed an additional approved anesthesia education course;

'Dental anesthesiology' is the specialty of dentistry and discipline of anesthesiology encompassing the art and science of managing pain, anxiety, and overall patient health during dental, oral, maxillofacial, and adjunctive surgical or diagnostic procedures throughout the entire perioperative period. The specialty is dedicated to promoting patient safety as well as access to care for all dental patients, including the very young and patients with special health care needs;

'Dental assistant' means a person qualified by education, training, or experience who aids or assists a dentist in the delivery of patient care in accordance with delegated procedures as specified by the board by rule or who may perform nonclinical duties in the dental office;

'Dental auxiliary personnel' or 'auxiliary' means dental hygienists and dental assistants who assist the dentist in the practice of dentistry;

'Dental hygiene' means the performance of educational, preventive or therapeutic dental services and as further provided in §30-4-11 of this code and legislative rule;

'Dental hygienist' means a person licensed by the board to practice and who provides dental hygiene and other services as specified by the board by rule to patients in the dental office and in a public health setting;

'Dental laboratory' means a business performing dental laboratory services;

'Dental laboratory services' means the fabricating, repairing, or altering of a dental prosthesis;

'Dental laboratory technician' means a person qualified by education, training, or experience who has completed a dental laboratory technology education program and who fabricates, repairs, or alters a dental prosthesis in accordance with a dentist's work authorization;

'Dental office' means the place where the licensed dentist and dental auxiliary personnel are practicing dentistry;

'Dental prosthesis' means ~~an artificial appliance~~ a fixed or removable device fabricated to replace one or more teeth or other oral or peri-oral structure in order to restore or alter function or aesthetics;

'Dental public health' is the science and art of preventing and controlling dental diseases and promoting dental health through organized community efforts. It is that form of dental practice which considers the community to be the patient rather than any individual. It is concerned with the dental health education of the public, with applied dental research, and with the administration of group dental care programs as well as the prevention and control of dental diseases on a community basis;

'Dentist' means an individual licensed by the board to practice dentistry;

'Dentistry' means the evaluation, diagnosis, prevention, and treatment, of diseases, disorders, and conditions of the oral cavity and the maxillofacial, adjacent, and associated structures and their impact on the human body; ~~maxillofacial area, and the adjacent and associated structures provided by a dentist~~

'Direct supervision' means supervision ~~of dental auxiliary personnel~~ provided by a licensed dentist who is physically present in the dental office or treatment facility when procedures are being performed;

'Endodontics' is the branch of dentistry which is concerned with the morphology, physiology, and pathology of the human dental pulp and periradicular tissues. Its study and practice encompass the basic and clinical sciences including biology of the normal pulp, the etiology, diagnosis, prevention, and treatment of diseases and injuries of the pulp and associated periradicular conditions;

'Facility permit' means a permit for a facility where sedation procedures are used that correspond with the level of anesthesia provided;

'General anesthesia' means an induced, controlled state of unconsciousness in which the patient experiences complete loss of protective reflexes, as evidenced by the inability to independently maintain an airway, the inability to respond purposefully to physical stimulation or the inability to respond purposefully to verbal command;

'Deep conscious sedation/general anesthesia' includes partial loss of protective reflexes while the patient retains the ability to independently and continuously maintain an airway;

'General supervision' means a dentist is not required to be in the office or treatment facility when procedures are being performed, ~~by the auxiliary dental personnel, but has personally diagnosed the condition to be treated~~ has personally authorized the procedures to be completed, and will evaluate the treatment provided at a future appointment, by the dental auxiliary personnel;

~~'Good moral character' means a lack of history of dishonesty;~~

'Health care provider BLS/CPR' means health care provider basic life support/cardiopulmonary resuscitation;

'License' means a license to practice dentistry or dental hygiene;

'Licensee' means a person holding a license;

'Mobile dental facility' means any self-contained facility in which dentistry or dental hygiene will be practiced which may be moved, towed, or transported from one location to another;

'Portable dental unit' means any non-facility in which dental equipment, utilized in the practice of dentistry, is transported to and utilized on a temporary basis in an out-of-office location, including, but not limited to, patients' homes, schools, nursing homes, or other institutions;

'Oral medicine' is the specialty of dentistry responsible for the oral health care of medically complex patients and for the diagnosis and management of medically related disorders or conditions affecting the oral and maxillofacial region;

'Oral pathology' is the specialty of dentistry and discipline of pathology that deals with the nature, identification, and management of diseases affecting the oral and maxillofacial regions. It is a science that investigates the causes, processes, and effects of these diseases. The practice of oral pathology includes research and diagnosis of diseases using clinical, radiographic, microscopic, biochemical, or other examinations;

'Oral and maxillofacial radiology' is the specialty of dentistry and discipline of radiology concerned with the production and interpretation of images and data produced by all modalities of radiant energy that are used for the diagnosis and management of diseases, disorders, and conditions of the oral and maxillofacial region;

'Oral and maxillofacial surgery' is the specialty of dentistry which includes the diagnosis, surgical and adjunctive treatment of diseases, injuries, and defects involving both the functional and aesthetic aspects of the hard and soft tissues of the oral and maxillofacial region;

'Orofacial pain' is the specialty of dentistry that encompasses the diagnosis, management and treatment of pain disorders of the jaw, mouth, face and associated regions, which specialty is dedicated to the evidenced-based understanding of the underlying pathophysiology, etiology, prevention, and treatment of these disorders and improving access to interdisciplinary patient care. These disorders as they relate to orofacial pain include but are not limited to temporomandibular muscle and joint (TMJ) disorders, jaw movement disorders, neuropathic and neurovascular pain disorders, headache, and sleep disorders;

'Orthodontics and dentofacial orthopedics' is the dental specialty that includes the diagnosis, prevention, interception, and correction of malocclusion, as well as neuromuscular and skeletal abnormalities of the developing or mature orofacial structures;

~~'Other dental practitioner' means those persons excluded from the definition of the practice of dentistry under the provisions of §30-4-24(3), §30-4-24(4), and §30-4-24(5) of this code and also those persons who hold teaching permits which have been issued to them under the provisions of §30-4-14 of this code~~

'PALS' means pediatric advanced life support;

'Pediatric dentistry' is an age-defined specialty that provides both primary and comprehensive preventive and therapeutic oral health care for infants and children through adolescence, including those with special health care needs;

'Pediatric patient' means infants and children;

'Periodontics' is that specialty of dentistry which encompasses the prevention, diagnosis, and treatment of diseases of the supporting and surrounding tissues of the teeth or their substitutes and the maintenance of the health, function, and aesthetics of these structures and tissues;

'Physician anesthesiologist' means a physician, medical doctor, or doctor of osteopathy who is specialized in the practice of anesthesiology;

'Prosthodontics' is the dental specialty pertaining to the diagnosis, treatment planning, rehabilitation and maintenance of the oral function, comfort, appearance and health of patients with clinical conditions associated with missing or deficient teeth and/or oral and maxillofacial tissues using biocompatible substitutes;

'Public health practice' means treatment or procedures in a public health setting which shall be designated by a rule promulgated by the board to require direct, general, or no supervision of a dental hygienist by a dentist;

'Public health setting' means hospitals, schools, correctional facilities, jails, community clinics, long-term care facilities, nursing homes, home health agencies, group homes, state institutions under the West Virginia Department of Health and Human Resources, public health facilities, homebound settings, accredited dental hygiene education programs, and any other place designated by the board by rule;

'Qualified monitor' means an individual who by virtue of credentialing and/or training is qualified to check closely and document the status of a patient undergoing anesthesia and observe utilized equipment;

'Relative analgesia/minimal sedation' means an induced, controlled state of minimally depressed consciousness, produced solely by the inhalation of a combination of nitrous oxide and oxygen or single oral premedication without the addition of nitrous oxide and oxygen in which the patient retains the ability to independently and continuously maintain an airway and to respond purposefully to physical stimulation and to verbal command;

'Specialty' means the practice of a certain branch of dentistry;

'Subcommittee' means West Virginia Board of Dentistry Subcommittee on Anesthesia; and

'Work authorization' means a written order for dental laboratory services which has been issued by a licensed dentist ~~or other dental practitioner.~~

§30-4-8a. Dental specialties.

(a) The Board of Dentistry may issue a dental specialty license authorizing a dentist to represent himself or herself to the public as a specialist, and to practice as a specialist, upon proper application and fee for each specialty and as provided pursuant to the provisions of this article.

(b) A dentist may not represent himself or herself to the public as a specialist, nor practice as a specialist, unless the individual:

(1) Has successfully completed a board-recognized dental specialty/advanced education program accredited by the Commission on Dental Accreditation;

(2) Holds a general dental license in this state; and

(3) Has completed any additional requirements set forth in state law or rules and has been issued a dental specialty license by the board.

(c) Specialties recognized by the board and the educational requirements for obtaining a specialty license shall include:

(1) Dental public health. — In order to qualify for this specialty, the licensee shall have successfully completed a minimum of one full-time academic year of at least eight calendar months, each of graduate or post-graduate education, internship, or residency.

(2) Endodontics. — In order to qualify for this specialty, the licensee shall have successfully completed a minimum of two full-time academic years of at least eight calendar months, each of graduate or post-graduate education, internship, or residency.

(3) Oral and maxillofacial surgery. — In order to qualify for this specialty, the licensee shall have successfully completed a minimum of three full-time academic years of at least eight calendar months, each of graduate or post-graduate education, internship, or residency.

(4) Oral and maxillofacial radiology. — In order to qualify for this specialty, the licensee shall have successfully completed a minimum of two full-time years of at least eight calendar months each, of graduate or post-graduate education, internship, or residency.

(5) Orthodontics and dentofacial orthopedics. — In order to qualify for this specialty, the licensee shall have successfully completed a minimum of two full-time academic years of at least eight calendar months, each of graduate or post-graduate education, internship, or residency. In addition, any applicant for an orthodontic and dentofacial orthopedic specialty certificate ~~commencing on July 1, 2019~~ shall submit verification of successful completion of the American Board of Orthodontics written examination.

(6) Pediatric dentistry. — In order to qualify for this specialty, the licensee shall have successfully completed a minimum of two full-time academic years of at least eight calendar months, each of graduate or post-graduate education, internship, or residency.

(7) Periodontics. — In order to qualify for this specialty, the licensee shall have successfully completed a minimum of two full-time academic years of at least eight calendar months, each of graduate or post-graduate education, internship, or residency.

(8) Prosthodontics. — In order to qualify for this specialty, the licensee shall have successfully completed a minimum of two full-time academic years of at least eight calendar months, each of graduate or post-graduate education, internship, or residency.

(9) Oral pathology. — In order to qualify for this specialty, the licensee shall have successfully completed a minimum of two full-time academic years of at least eight calendar months, each of graduate or post-graduate education, internship, or residency.

(10) Dental anesthesiology. — In order to qualify for this specialty, the licensee shall have successfully completed a minimum of two full-time academic years, accredited by the Commission on Dental Accreditation of the American Dental Association, through (1) a graduate or post-graduation education; (2) an internship; or (3) a residency. Each full-time academic year must have consisted of at least eight calendar months.

(11) Oral medicine. — In order to qualify for this specialty, the licensee shall have successfully completed a minimum of two full-time academic years, accredited by the Commission on Dental Accreditation of the American Dental Association, through (1) a graduate or post-graduation

education; (2) an internship; or (3) a residency. Each full-time academic year must have consisted of at least eight calendar months.

(12) Orofacial pain. – In order to qualify for this specialty, the licensee shall have successfully completed a minimum of two full-time academic years, accredited by the Commission on Dental Accreditation of the American Dental Association, through (1) a graduate or post-graduation education; (2) an internship; or (3) a residency. Each full-time academic year must have consisted of at least eight calendar months.

(d) The licensee shall limit his or her practice of dentistry only to the specialty or specialties in which he or she is licensed and in which he or she holds himself or herself out to the public as a specialist.

~~(e) The licensee shall limit his or her listing in the telephone directory to the specialties in which he or she has an office or offices.~~ If a licensee lists his or her services in a telephone directory or on the internet, then the licensee shall only list those specialties in which he or she practices in his or her office or offices.

(f) The limitation of practice is removed for purposes of volunteering services in organized health clinics and at charitable events.

§30-4-25. Declared public health emergencies.

During a declared public health emergency, dentists and dental hygienists with a local anesthesia certificate, may administer vaccines, perform FDA-authorized diagnostic tests to screen patients for infectious diseases, triage medical patients, and perform other ancillary medical procedures and activities as requested by medical personnel.”

With the further amendment, sponsored by Delegate Householder, being as follows:

On page 3, line 69 by removing, “a fixed or removable device” and reinserting the stricken language, “an artificial appliance”.

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 406**), and there were— yeas 91, nays 4, absent and not voting 5, with the nays and the absent and not voting being as follows:

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

Absent and Not Voting: Ellington, Hardy, Hornbuckle, Howell and Pinson.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3141) passed.

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

A message from the Senate, by

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

H. B. 3218, Relating to requiring suicide prevention resources be printed on student identification cards.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect March 17, 2023, a bill of the House of Delegates, as follows:

H. B. 3307, Establishing the West Virginia-Ireland Trade Commission.

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

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

“ARTICLE 36. WEST VIRGINIA-IRELAND TRADE COMMISSION.

§29-36-1. Findings.

Findings—the Legislature finds that:

Over 15 percent of West Virginia’s population is of Irish descent, which, according to the Irish diplomat Barbara Jones, represents a higher figure than that in Boston or New York City;

The ties that bind Ireland to West Virginia are deep and lasting, reflected on West Virginia’s map from Ireland to Irish Mountain, from Tyrone to Tralee; and

Irish heritage has been the fortunate lot of many great West Virginians, such as philanthropist Bernard P. McDonough, the inventor Michael Owens, and US Senator John Kenna;

Ireland and West Virginia are attempting to reinvent their economies for success in the twenty-first century; and

West Virginians have both historic and practical reasons to desire the building of firmer commercial links with Ireland.

§29-36-2. Establishment of commission; Composition; Appointments; Vacancies.

For these and other reasons, there is hereby established the West Virginia-Ireland Trade Commission. The commission shall consist of 9 members, to be appointed as follows:

(a) Two members of the Senate, who shall be appointed by the President of the Senate, shall have knowledge of or current or past involvement in organizations that promote Irish affairs, or shall have interest in the well-being of trade relations between West Virginia and Ireland; and two members of the House of Delegates, who shall be appointed by the Speaker of the House of Delegates, shall have knowledge of or current or past involvement in organizations that promote Irish affairs, or shall have interest in the well-being of trade relations between West Virginia and Ireland. The legislative members of the commission shall serve during the two-year legislative term in which the appointments are made.

(b) Five members of the commission shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve for a term of four years. The members thus appointed shall include at least one representative from: a public institution of higher education; the West Virginia Chamber of Commerce, or its successor organization; and at least two public members shall represent Irish American communities or interest, neither of whom shall be members of the same political party.

(c) All appointments shall be made no later than July 1, 2023. A vacancy in the membership of the commission shall be filled in the same manner as the original appointment was made.

§29-36-3. Compensation; Meetings; Chair; Records; Quorum.

(a) Members of the commission shall receive the same compensation authorized by law for members of the Legislature for the interim duties for each day, or portion thereof, the member is engaged in the discharge of official duties. All members shall be reimbursed for their actual and necessary expenses incurred in the discharge of official duties, except that mileage shall be reimbursed at the same rate as that authorized for members of the Legislature.

(b) (1) The commission shall meet and hold hearings at the places it designates throughout the State.

(2) The commission shall elect a chair from amongst its members. The chair may appoint from among the commission members subcommittees and subcommittee chairs at their discretion.

(c) The commission shall keep records of all proceedings which shall be public and open to inspection, shall adopt a seal, and shall exercise and perform the duties prescribed by this section.

(d) A majority of the members of the commission shall constitute a quorum for the transaction of the business of the commission.

§29-36-4. Purpose of Commission.

The purpose of the West Virginia-Ireland Trade Commission shall be to:

(1) Advance bilateral trade and investment between West Virginia and Ireland;

(2) Initiate joint action on policy issues of mutual interest to West Virginia and Ireland;

(3) Promote business and academic exchanges between West Virginia and Ireland;

(4) Encourage mutual economic support between West Virginia and Ireland;

(5) Encourage mutual investment in the infrastructure of West Virginia and Ireland; and

(6) Address such other issues as determined by the Commission.

§29-36-5. Reports

The commission shall report its findings, results, and recommendations to the Governor, and the Legislature, within one year of its initial organizational meeting and by February 1st of each succeeding year for the activities of the preceding calendar year. The report shall be in writing

and include recommendations as deemed appropriate by the commission to effectuate its purpose, as provided by this section.

§29-36-6. Funds.

The West Virginia-Ireland Trade Commission shall be authorized to raise funds, through direct solicitation or other fundraising events, alone, or with other groups, and accept gifts, grants, and bequests from individuals, corporations, foundations, governmental agencies, and public and private organizations and institutions, to defray the commission's administrative expenses and to carry out its purposes. §29-36-7. Effective Date.

This act shall take effect March 17, 2023.”

And,

By amending the title of the bill to read as follows:

H. B. 3307 – “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 establishing the West Virginia-Ireland Trade Commission; establishing findings; providing for the composition of commission, appointment of members and filling of vacancies; providing for compensation of commission members; providing for meetings, selection of a chair, maintenance of records, and a quorum; setting forth purposes of the commission; requiring commission to make certain reports, findings, and recommendations to Governor and Legislature; providing for acceptance of funds by commission; and providing an effective date.”

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 407**), and there were—yeas 87, nays 10, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Butler, Coop-Gonzalez, Dillon, Foggin, Foster, Kirby, Longanacre, Ridenour, Steele and Ward.

Absent and Not Voting: Ellington, Hardy and Howell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3307) passed.

Delegate Householder moved that the bill take effect March 17, 2023.

On this question, the yeas and nays were taken (**Roll No. 408**), and there were—yeas 89, nays 8, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Butler, Dillon, Foster, Kirby, Longanacre, Steele, Vance and Ward.

Absent and Not Voting: Ellington, Hardy and Howell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3307) takes effect March 17, 2023.

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

A message from the Senate, by

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

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

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

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

“ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.

§24-2-1n. West Virginia Business Ready Sites Program.

(a) The Legislature finds and declares that:

(1) Presently, West Virginia’s available industrial sites lack competitiveness with industrial sites in surrounding states due in part to the lack of presently constructed, adequate utility infrastructure serving sites having industrial potential;

(2) Having construction-ready industrial sites with adequately developed utility infrastructure will increase the state’s potential to attract new industrial projects to the state and advance the state’s economic development efforts;

(3) Incentivizing utilities to construct adequate public utility infrastructure and provide services to sites identified as having industrial potential will increase the likelihood that such sites are developed; and

(4) Responsibly increasing the number of industrial sites with adequate and fully developed utility services is in the public interest of the state.

(b) Definitions. – For the purpose of this section:

~~(1)~~ ‘Industrial Development Agency’ means any individual, incorporated organization, foundation, association, private incorporated entity, or agency to whose members or shareholders no profit inures, which has as its primary function the promotion, encouragement, and development of industrial, commercial, manufacturing, and tourist enterprises or projects in this state;

~~(2)~~ ‘Industrial Development Site’ means a land development containing a minimum of 50 contiguous acres that is identified by the secretary as having potential for industrial development and that does not currently have adequate public utility services from one or more public utilities regulated by the Public Service Commission;

~~(3)~~ ‘Secretary’ means the Secretary of the Department of Commerce; and

(4) 'Utility' means electricity, natural gas, water, or sewage service provided by a public utility regulated by the Public Service Commission.

(c) The secretary shall ~~identify a pilot~~ administer a program known hereafter as 'The West Virginia Business Ready Sites Program' for the purpose of promoting economic development in certain areas of the state by facilitating the construction of utility infrastructure necessary to increase the attractiveness of such sites for industrial development within the state.

(d) An industrial development agency may identify a potential industrial development site and apply to the secretary for approval of the site as an industrial development site, including recommendations as to any required criteria for utility service to the site.

(e) Upon receipt of the application, the secretary shall determine whether the potential industrial development site has the attributes to accomplish the public purposes of this section; and, upon determining that the site has such attributes, the secretary may certify the site as an industrial development site subject to, at his or her discretion, all or some of the identified required criteria for utility service and communicate such certification to the Public Service Commission.

(f) After the Public Service Commission receives the certification described in subsection (e) of this section, public utilities that are able to meet the required criteria, if any, may file with the Public Service Commission an application for a multi-year comprehensive plan for infrastructure development to construct public utility infrastructure and provide services to industrial development sites. Subject to commission review and approval, a plan may be amended and updated by the public utility as circumstances warrant. The recovery of costs in support of the plans shall be allowed in the manner set forth in this section if the proposed plans have been found to be prudent and useful.

(g) The application submitted to the Public Service Commission under subsection (f) ~~(e)~~ of this section is in lieu of a proceeding, pursuant to §24-2-11 of this code, and shall contain the following:

(1) A description of the infrastructure program, in such detail as the Public Service Commission prescribes, and the projected annual amount in approximate line sizes and feet, general location, type, and projected installation timing of the facilities that the applicant proposes to replace, construct, or improve;

(2) The projected net cost, on an annual basis, of the replacement, construction, or improvements;

(3) The projected start date for the infrastructure program;

(4) The projected numbers of potential new customers that may be served by the infrastructure program and the projected annual demand for public utility services of the customers;

(5) The projected debt for the infrastructure program funding and the projected capital structure for infrastructure program funding;

(6) A proposed full and timely cost recovery mechanism consistent with this section; and

(7) Other information the applicant considers relevant, or the Public Service Commission requires.

(h) Upon filing of the application, the applicant shall publish, in the form the Public Service Commission directs, which form shall include, but not be limited to, the anticipated rates and, if any, rate increase under the proposal, by average percentage and dollar amount for customers within a class of service, as a Class I legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code, the publication area to be each county in which service is provided by the public utility, a notice of the filing of the application, and that the commission shall hold a hearing on the application within 90 days of the notice; unless no substantial opposition to the rate change is received by the commission within one week of the proposed hearing date, in which case the hearing can be waived, and issue a final order within 150 days of the application filing date.

(i) Upon notice and hearing, if required by the Public Service Commission, the commission shall approve the infrastructure program and allow expedited recovery of costs related to the expenditures, as provided in subsection ~~(j)~~ (i) of this section, if the commission finds that the expenditures and the associated rate requirements are just, reasonable, and are not contrary to the public interest. ~~Provided, That the commission may approve infrastructure programs undertaken in connection with a maximum of 10 industrial development sites under this program: Provided, however, That no more than four industrial development sites shall be located in any one congressional district, as such congressional districts are defined in §1-2-3 of this code on the effective date of this section: Provided further, That if the number of congressional districts is reduced to two, that no more than five industrial development sites shall be located in any one congressional district~~

(j) Upon Public Service Commission approval, utilities will be authorized to implement the infrastructure programs and to recover related incremental costs, net of contributions to recovery of return, operation, and maintenance, depreciation and tax expenses directly attributable to the infrastructure program served by the infrastructure program investments, if any, as provided in the following:

(1) An allowance for return shall be calculated by applying a rate of return to the average planned net incremental increase to rate base attributable to the infrastructure program for the coming year, considering the projected amount and timing of expenditures under the infrastructure program plus any expenditures in previous years of the infrastructure program. The rate of return shall be determined by utilizing the rate of return on equity authorized by the Public Service Commission in the public utility's most recent rate case proceeding or in the case of a settled rate case, a rate of return on equity as determined by the commission, and the projected cost of the public utility's debt during the period of the infrastructure program to determine the weighted cost of capital based upon the public utility's capital structure.

(2) Income taxes applicable to the return allowed on the infrastructure program shall be calculated at the statutory tax rate for inclusion in rates.

(3) Incremental operation and maintenance, depreciation, and property tax expenses directly attributable to the infrastructure program shall be estimated for the upcoming year.

(4) Following Public Service Commission approval of its infrastructure program, a public utility shall place into effect rates that include an increment that recovers the allowance for return, related income taxes at the statutory rate, operation and maintenance, depreciation, and property tax expenses associated with the public utility's estimated infrastructure program investments for the upcoming year, net of contributions to recovery of those incremental costs provided by new customers served by the infrastructure program investments, if any. In each year subsequent to

the order approving the infrastructure program and the incremental cost recovery increment, the public utility shall file a petition with the Public Service Commission setting forth a new proposed incremental cost recovery increment based on investments to be made in the subsequent year, plus any under-recovery or minus any over-recovery of actual incremental costs attributable to the infrastructure program investments, for the preceding year.

(5) The facilities installed in an application approved by the Public Service Commission shall be considered used and useful as of the date of construction expenditure for rate recovery.

(k) The public utility may make any accounting accruals necessary to establish a regulatory asset or liability through which actual incremental costs incurred and costs recovered through the rate mechanism are tracked.

(l) Utilities may defer incremental operation and maintenance expenditures attributable to regulatory and compliance-related requirements introduced after the public utility's last rate case proceeding, and not included in the public utility's current rates. In a future rate case, the Public Service Commission may allow recovery of the deferred costs amortized over a reasonable period of time to be determined by the commission, provided the commission finds that the costs were reasonable and prudently incurred and were not reflected in rates in prior rate cases.

~~(m) The provisions of this section shall expire on December 31, 2024. The expiration of this section shall not affect the full and timely cost recovery of constructing a project that is commenced pursuant to this section prior to such date~~

~~(n)~~(m) The provisions of this section are effective upon passage.”

And,

By amending the title of the bill to read as follows:

H. B. 3428 – “A Bill to amend and reenact §24-2-1n of the Code of West Virginia, 1931, as amended, relating to the West Virginia Business Ready Sites Program; establishing the West Virginia Business Ready Sites Program as a permanent program; authorizing industrial development agencies to recommend required criteria for utility service to certain industrial development sites; giving Public Service Commission discretion to certify sites based on required criteria for utility service; providing for public utilities that can meet required criteria to apply to Public Service Commission for a certain plan to provide utility services to industrial development sites; waiving public hearing on proposed rate change for utility service to industrial development sites if no substantial opposition is received; eliminating the cap on the number of industrial development sites that may be designated by the Public Service Commission; eliminating certain requirements that industrial development sites be apportioned geographically amongst West Virginia's congressional districts; and eliminating the sunset provision of the West Virginia Business Ready Sites Program.”

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 409**), and there were—yeas 83, nays 14, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Coop-Gonzalez, Dean, Dillon, Fast, Foggin, A. Hall, Horst, Longanacre, McGeehan, C. Pritt, Ross, Street, Vance and Ward.

Absent and Not Voting: Ellington, Hardy and Howell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3428) passed.

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

On this question, the yeas and nays were taken (**Roll No. 410**), and there were—yeas 85, nays 11, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Coop-Gonzalez, Dillon, A. Hall, Horst, Longanacre, McGeehan, C. Pritt, Ross, Street, Vance and Ward.

Absent and Not Voting: Ellington, Garcia, Hardy and Howell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3428) takes effect from its passage.

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

A message from the Senate, by

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

H. C. R. 11, Relating to Higher Education Consortium for Emerging Energy Technologies.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect January 1, 2024, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 91 – “A Bill to amend and reenact §29-3E-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §33-3-14d and §33-3-33 of said code; and to amend and reenact §33-12C-7 of said code, all relating to distribution of certain taxes and surcharges to benefit volunteer and part-volunteer fire departments and emergency medical services providers; defining terms; providing method of allocation and distribution for proceeds of fireworks safety fee deposited in the Fire Protection Fund; eliminating obsolete language; increasing surcharge on fire and casualty policies; providing method of allocation of policy surcharge; requiring the State Fire Marshal provide certain information to the State Treasurer; requiring fire departments eligible to receive policy surcharge funds implement the State Auditor’s West Virginia Checkbook fiscal reporting system; granting rule-making authority to the State Treasurer; increasing tax on surplus lines policies; providing method of allocation of surplus lines policy tax; and clarifying requirements for distribution of funds in the Fire Protection 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. 123 – “A Bill to amend and reenact §61-5-17 of the Code of West Virginia, 1931, as amended, relating to creating enhanced second and third offenses for fleeing from an officer on foot or in a vehicle; establishing criminal penalties for the new offenses; and declaring that a conviction for fleeing while under the influence of alcohol or drugs is treated as a driving under the influence for licensure purposes”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 468 – “A Bill to amend and reenact §20-3-3a of the Code of West Virginia, 1931, as amended, relating to continuing the Cabwaylingo State Forest Trail System and developing the existing Hatfield-McCoy trail system solely for the purpose of providing access to state park and state forest recreational facilities”; which was referred to the Committee on Economic Development and Tourism.

A message from the Senate, by

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

Com. Sub. for S. B. 470 – “A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-22-803; and to amend and reenact §49-4-604 and §49-4-607 of said code, all relating to adoption and parental rights; establishing a procedure for adopted children to obtain a copy of their original birth certificate and certain personal identifying information regarding their biological parents; establishing a process by which biological parents can consent to providing personal identifying information and medical history to children who have been adopted; allowing biological parents to designate a contact preference; directing the Department of Health and Human Resources to administer records, collect personal identifying information, and charge a reasonable fee for the dissemination of noncertified copies of birth certificates; requiring the Department of Health and Human Resources to track certain information and report to the Legislative Oversight Commission on Health and Human Resources Accountability; directing the Department of Health and Human Resources to study the operation and consider alternative mechanisms to provide adoptive children with access to the medical records of their biological parents; requiring biological parents whose parental rights are terminated to provide personal identifying information to the Department of Health and Human Services; requiring biological parents whose parental rights are terminated to provide authorization to their child’s new legal guardian, a child who obtains the age of majority, or their child’s lineal descendants, to access their medical records upon a showing of legitimate diagnostic medical need; establishing a requirement that biological parents who seek to voluntarily relinquish their parental rights to provide authorization and consent to their child’s new legal guardian, a child who obtains the age of majority, or their child’s lineal descendants to access their medical records upon a showing of legitimate diagnostic medical need; and authorizing the Department of Health and Human Resources to promulgate legislative rules related to these provisions”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 540 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8-32, relating to the creation of the misdemeanor

offense of willfully urinating or defecating in public; creating an exception for public restrooms; establishing criminal penalties; and clarifying that a person may be charged for the offense by citation”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 552 – “A Bill to amend and reenact §16-2I-1, §16-2I-2, §16-2I-3, and §16-2I-4 of the Code of West Virginia, 1931, as amended; to repeal §16-2I-5 of said code; to amend and reenact §16-2I-6, §16-2I-7, §16-2I-8, and §16-2I-9 of said code; and to amend and reenact §16-2R-9 of said code, all relating to abortion; defining terms; making article applicable to physicians that meet qualifications and are certified under Mifepristone risk evaluation and mitigation strategy; amending information provided during informed consent; removing liability protection for a physician when prescribing a non-Food and Drug Administration approved drug therapy; providing resource to contact if questions rise regarding chemical abortion; requiring the Secretary of the Department of Health and Human Resources to have a 24-hour telephone number to maximize awareness; revising information to be made available; requiring the Bureau of Public Health to publish information on its website; setting forth the required information; providing for administrative discipline against a licensed medical professional for violation of article; and revising severability clauses”; 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. 593 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-5-7; to amend said code by adding thereto a new section, designated §15-2-5a; and to amend said code by adding thereto a new section, designated §18A-4-5c, all relating to mandating executive branch agencies, State Police, and county boards of education develop and report an area market rate salary adjustment policy; stating findings; directing state agencies, State Police, and county boards of education develop and report an area market rate salary adjustment policy by certain date; establishing mandatory terms to be included in policy; and providing that no private cause of action or right to grievance arises from operation of the policy”; 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. 633 – “A Bill to amend and reenact §62-1-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §62-1C-17b of said code; and to amend and reenact §62-2-17 of said code, all relating to failure to appear; requiring compliance with the magistrate court criminal rules; requiring prompt court appearances for persons detained on capiases or warrants for failure to appear; providing procedures for issuing bench warrants and capiases for nonappearance at scheduled court hearings or other proceeding; allowing a grace period after a failure to appear to allow certain defendants to appear except in defined circumstances; providing procedures following execution of bench warrants for nonappearance; and requiring courts to ensure that all inactive warrants and capiases for failure to appear are removed from law-enforcement databases”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 634 – “A Bill to amend and reenact §8-12-18 of the Code of West Virginia, 1931, as amended, relating to increasing the value at which municipal property must be sold through public auction; and allowing for the negotiated sale of real property to adjacent property owners”; 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. 647 – “A Bill to amend and reenact §49-4-601b of the Code of West Virginia, 1931, as amended, relating to substantiation of abuse and neglect allegations; requiring that when an abuse and neglect allegation is substantiated and a child abuse petition could be filed and the department does not do so, records related to the allegation are sealed after one year, absent a new allegation within that year; excluding persons from having records sealed who have a substantiated case but no court case can be filed; requiring that substantiated cases where the court does not adjudicate abuse and neglect be deemed unsubstantiated; allowing a petition to seal a file after five years for persons found to be creating an abusing parent; exceptions; criteria; directing the department to propose legislative rules to effectuate the statutory directive; and defining terms”; which was referred to the Committee on the Judiciary.

Resolutions Introduced

A Resolution was introduced and referred as follows:

By Delegates Skaff, Young, Pushkin, Ferrell, W. Hall and Shamblin:

H. C. R. 64 – “Requesting the Division of Highways name a portion of I-64 in Kanawha County, including bridges number 20-064-20A779), locally known as I-64 Bridge Eastbound at Institute, carrying I-64 over the I-64 Interchange over on-ramps C and D in Kanawha County, and bridge number 20-064-20A782, locally known as I-64 Bridge Westbound at Institute, carrying I-64 over the I-64 Interchange over on-ramps C and D in Kanawha County, the ‘U. S. Army Air Corps PVT-II Charles A. White Memorial Road’”; to the Committee on Rules.

Special Calendar

Third Reading

S. B. 136, Requiring persons convicted of certain offenses to undergo psychological or psychiatric testing and have treatment plan to be eligible for probation; 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. 411**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, Hardy, Howell and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 136) passed.

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

Com. Sub. for S. B. 208, Relating to criminal justice training for all law-enforcement and correction officers regarding individuals with autism spectrum disorders; 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. 412**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Foggin.

Absent and Not Voting: Ellington, Hardy, Howell and Street.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 208) passed.

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

Com. Sub. for S. B. 270, Adding exemption to permit requirement for cremation; 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. 413**), and there were—yeas 89, nays 7, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Chiarelli, Coop-Gonzalez, A. Hall, Kirby, Ridenour, Thorne and Vance.

Absent and Not Voting: Ellington, Hardy, Howell and Street.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 270) passed.

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

S. B. 276, Awarding service weapon of retiring State Fire Marshal; 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. 414**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, Hardy and Howell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 276) passed.

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

On this question, the yeas and nays were taken (**Roll No. 415**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, Hardy and Howell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 276) takes effect from its passage.

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

Com. Sub. for S. B. 300, Relating to law-enforcement training and certification; 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. 416**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, Hardy and Howell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 300) passed.

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

S. B. 481, Extending sunset provision of Upper Kanawha Valley Resiliency and Revitalization 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. 417**), and there were—yeas 79, nays 17, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Butler, Coop-Gonzalez, Dillon, Foster, A. Hall, Holstein, Horst, Kimble, Kirby, Longanacre, Ridenour, Steele, Street, Thorne, Vance and Ward.

Absent and Not Voting: Dean, Ellington, Hardy and Howell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 481) passed.

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

S. B. 553, Allowing for evaluation of prequalified bidders to be based on best value; 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. 418**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Dean, Ellington, Hardy and Howell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 553) 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. 3511, Making a supplementary appropriation to the Department of Education, State Board of Education – School Lunch Program; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 419**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, Fehrenbacher, Hardy and Howell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3511) passed.

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

On this question, the yeas and nays were taken (**Roll No. 420**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, Fehrenbacher, Hardy and Howell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3511) 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.

H. B. 3512, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 421**), and there were—yeas 94, nays 3, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Longanacre, Steele and Vance.

Absent and Not Voting: Ellington, Hardy and Howell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3512) passed.

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

On this question, the yeas and nays were taken (**Roll No. 422**), and there were—yeas 93, nays 3, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Longanacre, Steele and Vance.

Absent and Not Voting: Ellington, Hardy, Howell and Shamblin.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3512) 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.

H. B. 3513, Making a supplementary appropriation to the Department of Homeland Security, Division of Corrections and Rehabilitation – Regional Jail and Correctional Facility Authority; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 423**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, Hardy, Howell and Shamblin.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3513) passed.

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

On this question, the yeas and nays were taken (**Roll No. 424**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, Hardy, Howell and Shamblin.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3513) 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.

H. B. 3514, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 425**), and there were—yeas 94, nays 1, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Longanacre.

Absent and Not Voting: Ellington, Hardy, Howell, Kirby and Pushkin.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3514) passed.

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

On this question, the yeas and nays were taken (**Roll No. 426**), and there were—yeas 94, nays 1, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Longanacre.

Absent and Not Voting: Ellington, Hardy, Howell, Kirby and Pushkin.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3514) 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.

H. B. 3515, Making a supplementary appropriation to the Department of Veterans' Assistance, Veterans' Facilities Support Fund; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 427**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, Hardy, Howell, Kirby and Pushkin.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3515) passed.

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

On this question, the yeas and nays were taken (**Roll No. 428**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, Hardy, Howell and Pushkin.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3515) 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.

H. B. 3516, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – West Virginia Safe Drinking Water Treatment; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 429**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, Hardy and Howell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3516) passed.

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

On this question, the yeas and nays were taken (**Roll No. 430**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Burkhammer, Ellington, Hardy, Howell and Skaff.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3516) 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.

H. B. 3517, Making a supplementary appropriation to the Division of Human Services – Child Care and Development; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 431**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Longanacre.

Absent and Not Voting: Ellington, Hardy and Howell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3517) passed.

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

On this question, the yeas and nays were taken (**Roll No. 432**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, Garcia, Hardy and Howell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3517) 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.

H. B. 3518, Making a supplementary appropriation to the Department of Agriculture; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 433**), and there were—yeas 95, nays 2, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Dillon and Longanacre.

Absent and Not Voting: Ellington, Hardy and Howell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3518) passed.

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

On this question, the yeas and nays were taken (**Roll No. 434**), and there were—yeas 94, nays 2, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Dillon and Longanacre.

Absent and Not Voting: Ellington, Hardy, Howell and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3518) 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.

H. B. 3524, Making a supplementary appropriation to the Department of Agriculture – West Virginia Spay Neuter Assistance Fund; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 435**), and there were—yeas 90, nays 5, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Dillon, A. Hall, Longanacre, Steele and Vance.

Absent and Not Voting: Ellington, Foggin, Hardy, Howell and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3524) passed.

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

On this question, the yeas and nays were taken (**Roll No. 436**), and there were—yeas 91, nays 4, absent and not voting 5, with the nays and the absent and not voting being as follows:

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

Absent and Not Voting: Ellington, Foggin, Hardy, Howell and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3524) takes effect from its passage.

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

Second Reading

Com. Sub. for S. B. 188, Grid Stabilization and Security Act of 2023; on second reading, coming up in regular order, was read a second time.

An amendment sponsored by Delegate Foster was reported by the Clerk.

Delegate Foster stated a point of order regarding the other amendment taking precedence under House Rule 119.

The Speaker ruled the point well taken.

On motion of Delegates Howell and Clark the bill was amended on page 4, section 5B-2N-4, line 8, after the word “certificate” by inserting the words:

“pursuant to §24-2-11c of the West Virginia Code”

And,

On page 8, section 22B-1-7, line 58 after the word “a” by striking the words “a permit issued or denied for the construction and operation of a natural gas electric generation facility” and inserting in lieu thereof the following:

“an appeal of any permit pursuant to §22-5-14 of the code”.

The House then returned to consideration of the previously reported amendment sponsored by Delegate Foster, on page one, by striking everything after the enacting clause and inserting in lieu of the following:

“CHAPTER 5B. ECONOMIC DEVELOPMENT ACT OF 1985.

ARTICLE 2N. COAL FIRED GRID STABILIZATION AND SECURITY ACT OF 2023.

§5B-2N-1. Short title.

This article shall be known and cited as the ‘Coal Fired Grid Stabilization and Security Act.’

§5B-2N-2. Identification of suitable sites for coal electric generation projects.

(a) The Department of Economic Development is authorized and directed to identify economically viable sites within the state that are:

(1) Located near a convenient and sufficient supply of coal;

(2) Located near consumers to provide a convenient supply of the generated electricity; and,

(3) Likely to create economically viable coal electric generation projects that provide economic benefits to the local and state governmental units and the citizens of the state.

(b) The Department of Economic Development shall use the following criteria in identifying economically viable sites for coal electric generation projects:

(1) Geographic locations near coal deposits in the state capable of supplying and sustaining one or more coal electric generation facilities for the economic life of the facilities;

(2) Geographic locations near existing electric transmission infrastructure capable of transmitting the generated electricity to wholesale markets of electricity by one or more coal electric generation facilities for the economic life of the facilities;

(3) Geographic locations that fulfill the air quality conditions imposed by the Division of Air Quality of the West Virginia Department of Environmental Protection for one or more coal electric generation facilities; and

(4) Geographic locations that can demonstrate that allowable emission increases from one or more coal electric generation facilities, in conjunction with all other applicable emission increases or reductions (including secondary emissions), would not cause or contribute to air pollution in violation of:

(A) Any national or West Virginia Ambient Air Quality Standard in any air quality control region;
or

(B) Any applicable maximum allowable increase over the baseline concentration in any area.

§5B-2N-3. Designation of sites suitable for coal electric generation projects.

(a) Following identification of economically viable sites that may be suitable for coal electric generation projects, the Department of Economic Development shall identify and designate each site it has determined to be suitable for coal electric generation projects as a 'Designated Site,' and shall communicate the Designated Sites to the West Virginia Department of Environmental Protection's Division of Air Quality and the West Virginia Public Service Commission as sites suitable for the construction and operation of coal electric generation projects.

(b) Any application for a siting certificate pursuant to §24-2-11c of the West Virginia Code filed with the Public Service Commission for development of a coal electric generation project at a Designated Site shall be adjudicated, inclusive of public hearings, and a final order issued by the Public Service Commission, within 270 calendar days after the date of the filing of the application, notwithstanding the requirements of any other provision of this code.

(c) Nothing in this section is intended to preclude, modify, or establish new Public Service Commission jurisdiction over:

(1) Any exercise of powers, duties, and obligations pursuant to the West Virginia Public Energy Authority Act; and

(2) The right of end-user consumers of electricity to develop, invest in, or otherwise contract for on-site electric self-generation or cogeneration facilities, including those utilizing coal as a fuel source.

(3) This section does not alter, modify and/or cancel any existing cogeneration tariffs authorized by the Public Service Commission.

(4) This section does not authorize the sale of electricity to end-users in the state.

(d) Where a designated site has been identified, in accordance with §22-5-11b of this code, as a location where additional data would be helpful for modeling or other evaluation of the potential emission of a coal generation project, the Department of Economic Development shall construct such facilities as are necessary to acquire such data.

ARTICLE 20. NATURAL GAS GRID STABILIZATION AND SECURITY ACT OF 2023.

§5B-20-1. Short title.

This article shall be known and cited as the Natural Gas Grid Stabilization and Security Act.

§5B-20-2. Identification of suitable sites for natural gas electric generation projects.

(a) The Secretary of the Department of Economic Development is authorized and directed to identify economically viable sites within the state that are:

(1) Located near a convenient and sufficient supply of natural gas; and

(2) Likely to create economically viable natural gas electric generation projects that provide economic benefits to the local and state governmental units and the citizens of the state.

(b) The Secretary of the Department of Economic Development shall use the following criteria in identifying economically viable sites for natural gas electric generation projects:

(1) Geographic locations near producing natural gas wells, storage fields, or pipelines carrying natural gas produced in the state, capable of supplying and sustaining one or more natural gas electric generation facilities for the economic life of the facilities;

(2) Geographic locations near existing electric transmission infrastructure capable of transmitting the generated electricity to wholesale markets.

(3) Geographic locations that fulfill the air quality conditions imposed by the Division of Air Quality of the West Virginia Department of Environmental Protection for one or more natural gas electric generation facilities; and

(4) Geographic locations that can demonstrate that allowable emission increases from one or more natural gas electric generation facilities, in conjunction with all other applicable emission increases or reductions (including secondary emissions), would not cause or contribute to air pollution in violation of:

(A) Any national or West Virginia ambient air quality standard in any air quality control region;
or

(B) Any applicable maximum allowable increase over the baseline concentration in any area.

§5B-20-3. Designation of sites suitable for natural gas electric generation projects.

(a) Following identification of economically viable sites that may be suitable for natural gas electric generation projects, the Secretary of the Department of Economic Development shall identify and designate each site it has determined to be suitable for natural gas electric generation projects as a 'designated site', and shall communicate the designated sites to the West Virginia Department of Environmental Protection's Division of Air Quality and the West Virginia Public Service Commission as sites suitable for the construction and operation of natural gas electric generation projects.

(b) Any application for a siting certificate pursuant to §24-2-11c of the West Virginia Code filed with the Public Service Commission to construct or to construct and operate a natural gas electric generation project at a designated site shall be adjudicated, inclusive of public hearings, and a

final order issued by the Public Service Commission, within 270 calendar days after the date of the filing of the application, notwithstanding the requirements of any other provision of this code.

(c) Nothing in this section is intended to preclude, modify, or establish new Public Service Commission jurisdiction over:

(1) Any exercise of powers, duties, and obligations pursuant to the West Virginia Public Energy Authority Act;

(2) The right of end-user consumers of electricity to develop, invest in, or otherwise contract for on-site electric self-generation or cogeneration facilities, including those utilizing natural gas as a fuel source;

(3) This section does not alter, modify, or cancel any existing cogeneration tariffs authorized by the Public Service Commission; and

(4) This section does not authorize the sale of electricity to end-users in the state.

(d) Where a designated site has been identified, in accordance with §22-5-11c of this code, as a location where additional data would be helpful for modeling or other evaluation of the potential emission of a natural gas electric generation project, the Department of Economic Development shall construct such facilities as are necessary to acquire such data.

CHAPTER 22. ENVIRONMENTAL RESOURCES.

ARTICLE 5. AIR POLLUTION CONTROL.

§22-5-11b. Construction and operating permits required for coal electric generation facilities as stationary sources of air pollutants.

(a) This section applies to coal electric generation facilities as identified and communicated to the Secretary by the West Virginia Department of Economic Development as sites that may be suitable for one or more coal electric generation facilities in accordance with §5B-2N-1 *et seq.* of this code, or as identified by an applicant for a construction and operating permit for one or more coal electric generation facilities.

(b) The secretary shall take all reasonable steps to expedite consideration of permit applications utilizing sites designated by the Department of Economic Development as a site suitable for use as a coal electric generation facility and communicated to the secretary in accordance with §5B-2N-1 *et seq.* of this code. Such steps shall include:

(1) An initial determination of whether the identified site is in compliance with National Ambient Air Quality Standards and the West Virginia State Implementation Plan, whether emissions from a coal electric generation facility would be likely to interfere with compliance with the same and, if interference is likely, the steps necessary to avoid noncompliance with National Ambient Air Quality Standards and the State Implementation Plan; and

(2) Evaluation of whether there is sufficient data, meteorological and otherwise, that would allow acceptable modeling of the impacts of emissions from a coal electric generation facility, and if not, construction of sampling and measuring devices to acquire such data at the site.

(c) Unless otherwise specifically provided in this article, the secretary shall issue a permit for a coal electric generation facility which is determined to be a major stationary source within a reasonable time, not to exceed 270 calendar days, after the secretary determines that the application is complete. The secretary must determine whether an application is complete within 30 days from the date the permit application is filed with the secretary and communicated to the permit applicant.

§22-5-11c. Construction and operating permits required for natural gas electric generation facilities as stationary sources of air pollutants.

(a) This section applies to natural gas electric generation facilities as identified and communicated to the secretary by the Secretary of the Department of Economic Development as sites that may be suitable for one or more natural gas electric generation facilities in accordance with §5B-2O-1 et seq. of this code, or as identified by an applicant for a construction and operating permit for one or more natural gas electric generation facilities.

(b) The secretary shall take all reasonable steps to expedite consideration of permit applications utilizing sites designated by the Secretary of the Department of Economic Development as a site suitable for use as a natural gas electric generation facility and communicated to the secretary in accordance with §5B-2O-1 et seq. of this code. Such steps shall include:

(1) An initial determination of whether the identified site is in compliance with national ambient air quality standards and the West Virginia State Implementation Plan; and

(2) Evaluation of whether there is sufficient data, meteorological and otherwise, that would allow acceptable modeling of the impacts of emissions from a natural gas electric generation facility, and if not, inform the Department of Economic Development where to initiate construction of sampling and measuring devices to acquire such data at the site.

(c) Unless otherwise specifically provided in this article, the secretary shall act on a permit for a natural gas electric generation facility which is determined to be a major stationary source within a reasonable time, not to exceed 270 calendar days, and for a minor stationary source, 90 days, after the secretary determines that the application is complete. The secretary must determine whether an application is complete within 30 days from the date the permit application is filed with the secretary and communicated to the permit applicant.

CHAPTER 22B. ENVIRONMENTAL BOARDS.

ARTICLE 1. GENERAL POLICY AND PURPOSE.

§22B-1-7. Appeals to Boards.

(a) The provisions of this section are applicable to all appeals to the boards, with the modifications or exceptions set forth in this section.

(b) Any person authorized by statute to seek review of an order, permit, or official action of the chief of air quality, the chief of water resources, the chief of waste management, the chief of mining and reclamation, the chief of oil and gas, or the secretary may appeal to the air quality board, the environmental quality board, or the surface mine board, as appropriate, in accordance

with this section. The person so appealing shall be known as the appellant and the appropriate chief or the secretary shall be known as the appellee.

(c) An appeal filed with a board by a person subject to an order, permit, or official action shall be perfected by filing a notice of appeal with the board within 30 days after the date upon which such order, permit, or official action was received by such person as demonstrated by the date of receipt of registered or certified mail or of personal service. For parties entitled to appeal other than the person subject to such order, permit, or official action, an appeal shall be perfected by filing a notice of appeal with the board within 30 days after the date upon which service was complete. For purposes of this subsection, service is complete upon tendering a copy to the designated agent or to the individual who, based upon reasonable inquiry, appears to be in charge of the facility or activity involved, or to the permittee; or by tendering a copy by registered or certified mail, return receipt requested to the last known address of the person on record with the agency. Service is not incomplete by refusal to accept. Notice of appeal must be filed in a form prescribed by the rule of the board for such purpose. Persons entitled to appeal may also file a notice of appeal related to the failure or refusal of the appropriate chief or the secretary to act within a specified time on an application for a permit; such notice of appeal shall be filed within a reasonable time.

(d) The filing of the notice of appeal does not stay or suspend the effectiveness or execution of the order, permit or official action appealed from, except that the filing of a notice of appeal regarding a notice of intent to suspend, modify, or revoke and reissue a permit, issued pursuant to the provisions of §22-5-5 of this code, does stay the notice of intent from the date of issuance pending a final decision of the board. If it appears to the appropriate chief, the secretary, or the board that an unjust hardship to the appellant will result from the execution or implementation of a chief's or secretary's order, permit, or official action pending determination of the appeal, the appropriate chief, the secretary, or the board, as the case may be, may grant a stay or suspension of the order, permit or official action and fix its terms: *Provided*, That unjust hardship shall not be grounds for granting a stay or suspension of an order, permit or official action for an order issued pursuant to §22-3-1 *et seq.* of this code. A decision shall be made on any request for a stay within five days of the date of receipt of the request for stay. The notice of appeal shall set forth the terms and conditions of the order, permit, or official action complained of and the grounds upon which the appeal is based. A copy of the notice of appeal shall be filed by the board with the appropriate chief or secretary within seven days after the notice of appeal is filed with the board.

(e) Within 14 days after receipt of a copy of the notice of appeal, the appropriate chief or the secretary ~~as the case may be~~, shall prepare and certify to the board a complete record of the proceedings out of which the appeal arises including all documents and correspondence in the applicable files relating to the matter in question. With the consent of the board and upon such terms and conditions as the board may prescribe, any person affected by the matter pending before the board may, by petition, intervene as a party appellant or appellee. In any appeal brought by a third party, the permittee or regulated entity shall be granted intervenor status as a matter of right where issuance of a permit or permit status is the subject of the appeal. The board shall hear the appeal *de novo*, and evidence may be offered on behalf of the appellant, appellee, and by any intervenors. The board may visit the site of the activity or proposed activity which is the subject of the hearing and take such additional evidence as it considers necessary: *Provided*, That all parties and intervenors are given notice of the visit and are given an opportunity to accompany the board. The appeal hearing shall be held at such location as may be approved by the board including Kanawha County, the county wherein the source, activity, or facility involved is located or such other location as may be agreed to among the parties.

(f) Any such hearing shall be held within 30 days after the date upon which the board received the timely notice of appeal, unless there is a postponement or continuance. The board may postpone or continue any hearing upon its own motion, or upon application of the appellant, the appellee, or any intervenors for good cause shown: Provided, That an appeal of any permit pursuant to §22-5-14 of the code shall be heard by the Air Quality Board within 60 days of the filing of the notice of appeal, unless all parties to the appeal consent to a postponement or continuance, and issue its decision on the appeal as promptly as reasonably possible following the hearing, but in no event later than two months after the completion of the hearing. The chief or the secretary, as appropriate, may be represented by counsel. If so represented, they shall be represented by the Attorney General or with the prior written approval of the Attorney General may employ counsel who shall be a special assistant Attorney General. At any such hearing the appellant and any intervenor may represent themselves or be represented by an attorney-at-law admitted to practice before the Supreme Court of Appeals.

(g) After such hearing and consideration of all the testimony, evidence, and record in the case:

(1) The environmental quality board or the air quality board ~~as the case may be~~ shall make and enter a written order affirming, modifying, or vacating the order, permit, or official action of the chief or secretary, or shall make and enter such order as the chief or secretary should have entered, or shall make and enter an order approving or modifying the terms and conditions of any permit issued; and

(2) The surface mine board shall make and enter a written order affirming the decision appealed from if the board finds that the decision was lawful and reasonable, or if the board finds that the decision was not supported by substantial evidence in the record considered as a whole, it shall make and enter a written order reversing or modifying the decision of the secretary.

(h) In appeals of an order, permit or official action taken pursuant to §22-6-1 *et seq.*, §22-11-1 *et seq.*, §22-12-1 *et seq.*, §22-13-1 *et seq.*, or §22-15-1 *et seq.* of this code, the environmental quality board established in article three of this chapter, shall take into consideration, in determining its course of action in accordance with subsection (g) of this section, not only the factors which the appropriate chief or the secretary was authorized to consider in issuing an order, in granting or denying a permit, in fixing the terms and conditions of any permit, or in taking other official action, but also the economic feasibility of treating, or controlling, or both, the discharge of solid waste, sewage, industrial wastes, or other wastes involved.

(i) An order of a board shall be accompanied by findings of fact and conclusions of law as specified in §29A-5-3 of this code, and a copy of such order and accompanying findings and conclusions shall be served upon the appellant, and any intervenors, and their attorneys of record, if any, and upon the appellee in person or by registered or certified mail.

(j) The board shall also cause a notice to be served with the copy of such order, which notice shall advise the appellant, the appellee, and any intervenors of their right to judicial review, in accordance with the provisions of this chapter. The order of the board shall be final unless vacated or modified upon judicial review thereof in accordance with the provisions of this chapter.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 437**), and there were—yeas 41, nays 53, absent and not voting 6, with the yeas and the absent and not voting being as follows:

Yeas: Adkins, Barnhart, Bridges, Brooks, Butler, Chiarelli, Coop-Gonzalez, Crouse, Dean, Dillon, Fluharty, Foster, Gearheart, A. Hall, Hillenbrand, Holstein, Honaker, Hott, Jennings, Kirby, Kump, Linville, Longanacre, Mallow, Martin, Mazzocchi, McGeehan, Miller, Phillips, C. Pritt, E. Pritt, Reynolds, Ridenour, Ross, Sheedy, Steele, Summers, Toney, Tully, Vance and Ward.

Absent and Not Voting: Ellington, Ferrell, Hardy, Howell, Maynor and Worrell.

So, a majority of the members present not having voted in the affirmative, the amendment was rejected.

The bill was then ordered to third reading.

Com. Sub. for S. B. 430, Relating to State Treasurer's authority to contract with financial institutions for banking goods and services; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 490, Patrol Officer Cassie Marie Johnson Memorial Act; on second reading, coming up in regular order, was read a second time.

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

S. B. 510, Supplementing and amending appropriations to BOE, Department of Education; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 526, Including Alzheimer's disease in existing public health programs; on second reading, coming up in regular order, was read a second time.

An amendment was recommended by the Committee on Health and Human Resources, and adopted, on page 1, by striking everything after the enacting clause and inserting in lieu thereof the following:

"ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.

§16-1-8. Inclusion of Alzheimer's disease in existing public health programs.

(a) The Commissioner of the Bureau for Public Health, in partnership with the Bureau for Medical Services and the Alzheimer's Association, shall, in its existing public health programs and services, educate health care professionals on the importance of early detection and timely diagnosis of cognitive impairment and dementia, use of validated cognitive assessment tools in the delivery of the Medicare Annual Wellness Visit, provision of effective care planning and care management at all stages of dementia, and delivery of counseling and referral.

(b) The Bureau for Public Health, in partnership with the Bureau of Senior Services, shall, in its existing, relevant public health outreach programs, incorporate information to increase

understanding and awareness of Alzheimer's disease and other dementias, including information about the early signs of Alzheimer's disease and other dementias that should be discussed with health care professionals and the value of early detection and diagnosis, particularly among persons in diverse communities who are at greater risk of developing dementia.

(c) Any public awareness and/or educational outreach programs shall provide uniform, consistent guidance in nonclinical terms, with an emphasis on cultural relevancy and health literacy.”

The bill was then ordered to third reading.

Com. Sub. for S. B. 577, Reducing copay cap on insulin and devices and permitting purchase of testing equipment without prescription; on second reading, coming up in regular order, was read a second time.

An amendment was recommended by the Committee on Health and Human Resources, and adopted, on page 1, after the enacting clause by inserting the following:

“CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL; BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES, COMMISSIONS, OFFICES, PROGRAMS, ETC.

ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.

§5-16-2. Definitions.

The following words and phrases as used in this article, unless a different meaning is clearly indicated by the context, have the following meanings:

(1) ‘Agency’ means the Public Employees Insurance Agency created by this article.

(2) ‘Director’ means the Director of the Public Employees Insurance Agency created by this article.

(3) ‘Employee’ means any person, including an elected officer, who works regularly full-time in the service of the State of West Virginia and, for the purpose of this article only, the term ‘employee’ also means any person, including an elected officer, who works regularly full-time in the service of a county board of education; a public charter school established pursuant to §18-5G-1 *et seq.* of this code if the charter school includes in its charter contract entered into pursuant to §18-5G-7 of this code a determination to participate in the Public Employees Insurance program; a county, city, or town in the State; any separate corporation or instrumentality established by one or more counties, cities, or towns, as permitted by law; any corporation or instrumentality supported in most part by counties, cities, or towns; any public corporation charged by law with the performance of a governmental function and whose jurisdiction is coextensive with one or more counties, cities, or towns; any comprehensive community mental health center or intellectually and developmentally disabled facility established, operated, or licensed by the Secretary of Health and Human Resources pursuant to §27-2A-1 of this code and which is supported in part by state, county, or municipal funds; any person who works regularly full-time in the service of the Higher Education Policy Commission, the West Virginia Council for Community and Technical College Education or a governing board, as defined in §18B-1-2 of this code; any person who works regularly full-time in the service of a combined city-county health department

created pursuant to §16-2-1 *et seq.* of this code; any person designated as a 21st Century Learner Fellow pursuant to §18A-3-11 of this code; and any person who works as a long-term substitute as defined in §18A-1-1 of this code in the service of a county board of education: *Provided*, That a long-term substitute who is continuously employed for at least 133 instructional days during an instructional term, and, until the end of that instructional term, is eligible for the benefits provided in this article until September 1 following that instructional term: *Provided, however*, That a long-term substitute employed fewer than 133 instructional days during an instructional term is eligible for the benefits provided in this article only during such time as he or she is actually employed as a long-term substitute. On and after January 1, 1994, and upon election by a county board of education to allow elected board members to participate in the Public Employees Insurance Program pursuant to this article, any person elected to a county board of education shall be considered to be an 'employee' during the term of office of the elected member. Upon election by the state Board of Education to allow appointed board members to participate in the Public Employees Insurance Program pursuant to this article, any person appointed to the state Board of Education is considered an 'employee' during the term of office of the appointed member: *Provided further*, That the elected member of a county board of education and the appointed member of the state Board of Education shall pay the entire cost of the premium if he or she elects to be covered under this article. Any matters of doubt as to who is an employee within the meaning of this article shall be decided by the director.

On or after July 1, 1997, a person shall be considered an 'employee' if that person meets the following criteria:

(A) Participates in a job-sharing arrangement as defined in §18A-1-1 of this code;

(B) Has been designated, in writing, by all other participants in that job-sharing arrangement as the 'employee' for purposes of this section; and

(C) Works at least one-third of the time required for a full-time employee.

(4) 'Employer' means the State of West Virginia, its boards, agencies, commissions, departments, institutions, or spending units; a county board of education; a public charter school established pursuant to §18-5G-1 *et seq.* of this code if the charter school includes in its charter contract entered into pursuant to §18-5G-7 of this code a determination to participate in the Public Employees Insurance Program; a county, city, or town in the state; any separate corporation or instrumentality established by one or more counties, cities, or towns, as permitted by law; any corporation or instrumentality supported in most part by counties, cities, or towns; any public corporation charged by law with the performance of a governmental function and whose jurisdiction is coextensive with one or more counties, cities or towns; any comprehensive community mental health center or intellectually and developmentally disabled facility established, operated or licensed by the Secretary of Health and Human Resources pursuant to §27-2A-1 of this code and which is supported in part by state, county or municipal funds; a combined city-county health department created pursuant to §16-2-1 *et seq.* of this code; and a corporation meeting the description set forth in §18B-12-3 of this code that is employing a 21st Century Learner Fellow pursuant to §18A-3-11 of this code but the corporation is not considered an employer with respect to any employee other than a 21st Century Learner Fellow. Any matters of doubt as to who is an 'employer' within the meaning of this article shall be decided by the director. The term 'employer' does not include within its meaning the National Guard.

(5) 'Finance board' means the Public Employees Insurance Agency finance board created by this article.

(6) 'Person' means any individual, company, association, organization, corporation or other legal entity, including, but not limited to, hospital, medical or dental service corporations; health maintenance organizations or similar organization providing prepaid health benefits; or individuals entitled to benefits under the provisions of this article.

(7) 'Plan', unless the context indicates otherwise, means the medical indemnity plan, the managed care plan option, or the group life insurance plan offered by the agency.

(8) 'Retired employee' means an employee of the state who retired after April 29, 1971, and an employee of the Higher Education Policy Commission, the Council for Community and Technical College Education, a state institution of higher education or a county board of education who retires on or after April 21, 1972, and all additional eligible employees who retire on or after the effective date of this article, meet the minimum eligibility requirements for their respective state retirement system and whose last employer immediately prior to retirement under the state retirement system is a participating employer in the state retirement system and in the Public Employees Insurance Agency: *Provided*, That for the purposes of this article, the employees who are not covered by a state retirement system, but who are covered by a state-approved or state-contracted retirement program or a system approved by the director, shall, in the case of education employees, meet the minimum eligibility requirements of the State Teachers Retirement System and in all other cases, meet the minimum eligibility requirements of the Public Employees Retirement System and may participate in the Public Employees Insurance Agency as retired employees upon terms as the director sets by rule as authorized in this article. Employers with employees who are, or who are eligible to become, retired employees under this article shall be mandatory participants in the Retiree Health Benefit Trust Fund created pursuant to §5-16D-1 *et seq.* of this code. Nonstate employers may opt out of the West Virginia other post-employment benefits plan of the Retiree Health Benefit Trust Fund and elect to not provide benefits under the Public Employees Insurance Agency to retirees of the nonstate employer, but may do so only upon the written certification, under oath, of an authorized officer of the employer that the employer has no employees who are, or who are eligible to become, retired employees and that the employer will defend and hold harmless the Public Employees Insurance Agency from any claim by one of the employer's past, present, or future employees for eligibility to participate in the Public Employees Insurance Agency as a retired employee. As a matter of law, the Public Employees Insurance Agency shall not be liable in any respect to provide plan benefits to a retired employee of a nonstate employer which has opted out of the West Virginia other post-employment benefits plan of the Retiree Health Benefit Trust Fund pursuant to this section.

(9) 'Device' means a blood glucose test strip, glucometer, continuous glucose monitor (CGM), lancet, lancing device, or insulin syringe used to cure, diagnose, mitigate, prevent, or treat diabetes or low blood sugar, but does not include insulin pumps.

(10) 'Prescription insulin drug' means a prescription drug that contains insulin and is used to treat diabetes, and includes at least one type of insulin in all of the following categories:

(1) Rapid-acting;

(2) Short-acting;

(3) Intermediate-acting;

(4) Long-acting;

(5) Pre-mixed insulin products;

(6) Pre-mixed insulin/GLP-1 RA products; and

(7) Concentrated human regular insulin.

§5-16-7g. Coverage for prescription insulin drugs.

(a) A policy, plan, or contract that is issued or renewed on or after ~~July 1, 2020~~, January 1, 2023 shall provide coverage for prescription insulin drugs and equipment pursuant to this section.

~~(b) For the purposes of this subdivision, 'prescription insulin drug' means a prescription drug that contains insulin and is used to treat diabetes, and includes at least one type of insulin in all of the following categories:~~

~~(1) Rapid-acting;~~

~~(2) Short-acting;~~

~~(3) Intermediate-acting;~~

~~(4) Long-acting;~~

~~(5) Pre-mixed insulin products;~~

~~(6) Pre-mixed insulin/GLP-1 RA products; and~~

~~(7) Concentrated human regular insulin.~~

~~(c) Cost sharing for a 30-day supply of a covered prescription insulin drug shall may not exceed \$100 for a 30-day supply of a covered prescription insulin, regardless of the quantity or type of prescription insulin used to fill the covered person's prescription needs. \$35 in aggregate, including situations where the covered person is prescribed more than one insulin drug, per 30-day supply, regardless of the amount or type of insulin needed to fill such covered person's prescription. Cost sharing for a 30-day supply of covered device(s) may not exceed \$100 in aggregate, including situations where the covered person is prescribed more than one device, per 30-day supply. Each cost-share maximum is covered regardless of the person's deductible, copayment, coinsurance or any other cost-sharing requirement.~~

(d) Nothing in this section prevents the agency from reducing a covered person's cost sharing by an amount greater than the amount specified in this subsection.

(e) No contract between the agency or its pharmacy benefits manager and a pharmacy or its contracting agent ~~shall~~ may contain a provision (i) authorizing the agency's pharmacy benefits manager or the pharmacy to charge, (ii) requiring the pharmacy to collect, or (iii) requiring a covered person to make a cost-sharing payment for a covered prescription insulin drug in an amount that exceeds the amount of the cost-sharing payment for the covered prescription insulin drug established by the agency as provided in subsection (c) of this section.

(f) The agency shall provide coverage for the following equipment and supplies for the treatment or management of diabetes for both insulin-dependent and noninsulin-dependent persons with diabetes and those with gestational diabetes: Blood glucose monitors, monitor

supplies, insulin, injection aids, syringes, insulin infusion devices, pharmacological agents for controlling blood sugar, and orthotics.

(g) The agency shall provide coverage for diabetes self-management education to ensure that persons with diabetes are educated as to the proper self-management and treatment of their diabetes, including information on proper diets. Coverage for self-management education and education relating to diet shall be provided by a health care practitioner who has been appropriately trained as provided in §33-53-1(k) of this code.

(h) The education may be provided by a health care practitioner as part of an office visit for diabetes diagnosis or treatment, or by a licensed pharmacist for instructing and monitoring a patient regarding the proper use of covered equipment, supplies, and medications, or by a certified diabetes educator or registered dietitian.

(i) A pharmacy benefits manager, a health plan, or any other third party that reimburses a pharmacy for drugs or services shall not reimburse a pharmacy at a lower rate and shall not assess any fee, charge-back, or adjustment upon a pharmacy on the basis that a covered person's costs sharing is being impacted."

The bill was then ordered to third reading.

Com. Sub. for S. B. 594, Specifying fairness in cost sharing calculations for certain high deductible health plans; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 605, Requiring state medical examiner to enter into contracts with procurement organization; on second reading, coming up in regular order, was read a second time.

An amendment was recommended by the Committee on Health and Human Resources, on page 1, by line 1, by striking, "the Bureau of Public Health in the Department of Health and Human Resources."; and inserting in lieu thereof, "the department.";

And,

On page 1, line 8, after the word, "Examiner" by inserting a period;

And,

On page 1, line 15, by striking the word, "commissioner" and inserting the word, "secretary";

And,

On page 2, line 32, by striking, "access to the electronic medical records and other" and inserting after the word, "information" "provided by the administrative director of the Office of the Chief Medical Examiner being provided with";

And,

On page 2, line 35, by striking the words, "of the Department of Health and Human Resources".

On motion of Delegate Summers, the amendment was amended on page 1, by striking, "On page 2, line 32, by striking, "access to the electronic medical records and other" and inserting after the word, "information" "provided by the administrative director of the Office of the Chief Medical Examiner being provided with";"

And,

By striking subsection (f) in its entirety; and inserting lieu thereof a new subsection (f) to read as follows:

"(f) The Chief Medical Examiner shall cooperate with procurement organizations as defined in §16-19-3 of this code to maximize the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research, or education. ~~The Chief Medical Examiner may enter into contracts and agreements with a procurement organization when necessary to~~ To facilitate the efficient and economical recovery of anatomical gifts, ~~the Chief Medical Examiner, including contracts or agreements shall authorizing~~ authorize the presence of persons approved or assigned by the procurement organization to perform a specific type of duty or duties at the office of the chief medical examiner Chief Medical Examiner necessary to the timely recovery of anatomical gifts including access to records or information provided by the administrative director of the Office of the Chief Medical Examiner being provided with necessary to identify a potential donor, evaluate donor eligibility, and obtain authorization for recovery, but not including records or information that directly conflict with investigations conducted pursuant to §61-12-8 of this code. This position shall be grant funded and provided at no cost to the state. The procurement organization is liable for all costs related to the placement of persons authorized by this subsection and the Chief Medical Examiner's liability for payment of services is zero."

The Committee on Health and Human Resources amendment, as amended, was then adopted.

The bill was then ordered to third reading.

Com. Sub. for S. B. 613, Relating generally to certificates of need; on second reading, coming up in regular order, was reported by the Clerk.

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

S. B. 679, Requiring Office of Inspector General to promulgate rules concerning location of forensic group homes; on second reading, coming up in regular order, was read a second time.

An amendment was recommended by the Committee on Health and Human Resources, and adopted, on page 1, line 8, by striking the period and inserting, "learning pods and micro-schools".

The bill was then ordered to third reading.

Com. Sub. for S. B. 730, Expanding authority of Legislative Oversight Commission on Health and Human Resources Accountability; on second reading, coming up in regular order, was read a second time.

An amendment was recommended by the Committee on Health and Human Resources, and adopted, on page 1, by striking everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 29E. LEGISLATIVE OVERSIGHT COMMISSION ON HEALTH AND HUMAN RESOURCES ACCOUNTABILITY.

§16-29E-3. Definitions.

As used in this article:

(a) ‘Agency’ means those various agencies, authorities, boards, committees, commissions or departments of the Department of Health and Human Resources with authority to promulgate legislative rules pursuant to this chapter that regulate health care providers, practitioners or consumers; or those offering social services programs;

(b) ‘Commission’ means the Legislative Oversight Commission on Health and Human Resources Accountability; and

(c) ‘Department’ means the Department of Health and Human Resources, and any successor agencies.

§16-29E-4. Creation of a Legislative Oversight commission on health and human resources accountability.

(a) There is ~~hereby created~~ continued a joint commission of the Legislature known as the Legislative Oversight Commission on Health and Human Resources Accountability. The commission shall be composed of six members of the Senate appointed by the President of the Senate and six members of the House of Delegates appointed by the Speaker of the House of Delegates. No more than five of the six members appointed by the President of the Senate and the Speaker of the House of Delegates, respectively, may be members of the same political party. In addition, the President of the Senate and Speaker of the House of Delegates shall be ex officio nonvoting members of the commission and shall designate the cochairpersons. At least one of the Senate appointees and one of the House of Delegates appointees shall be the chairperson of the Committee on Health and Human Resources of the Senate and House of Delegates, respectively, and at least one of the Senate appointees and at least one of the House of Delegates appointees shall be a member of the Committee on Finance of the Senate and House of Delegates, respectively. The members shall serve until their successors shall have been appointed as heretofore provided.

(b) Members of the commission shall receive such compensation and expenses as provided in §4-2A-1 *et seq.* of this code. Such expenses and all other expenses including those incurred in the employment of legal, technical, investigative, clerical, stenographic, advisory and other personnel shall be paid from an appropriation to be made expressly for the Legislative Oversight Commission on Health and Human Resources Accountability: *Provided*, That if no such appropriation be made, such expenses shall be paid from the appropriation under ‘Fund No. 0175 for Joint Expenses’ created pursuant to the provisions of said chapter: *Provided, however*, That no expense of any kind payable under the account for joint expenses shall be incurred unless first approved by the Joint Committee on Government and Finance.

(c) The commission shall meet at any time both during sessions of the Legislature and in the interim or as often as may be necessary.

§16-29E-5. Powers and duties of commission.

(a) The powers, duties and responsibilities of the commission shall include the following:

(1) Make a continuing investigation, study and review of the practices, policies and procedures of the health care and social services agencies in this state;

(2) Make a continuing investigation, study and review of all matters related to health and social policy in the state;

(3) Review program development by the various agencies of the Department of Health and Human Resources if these programs impact the physical, emotional or social well-being of the citizens of West Virginia;

(4) Conduct studies on health and human services;

~~(A) The amount of funds expended by hospitals and other health care providers of this state for services to persons who are unable to pay for those services and for which they receive no other form of reimbursement;~~

~~(B) The extent to which persons in this state forego needed medical services because of insufficient income and assets to pay for those services;~~

~~(C) The extent to which the state is maximizing available federal programs and moneys in providing health care services to the citizens of this state; and~~

~~(D) The operation of the programs and funds created by §16-29C-1 et seq.; and~~

~~(E) The roles of the public, private and private nonprofit sectors in providing health care services to the citizens of this state.~~

(5) Review and study the state Medicaid program in order to determine if the state Medicaid agency, as the payor of last resort, is expending maximum effort to identify alternate private insurance resources for Medicaid beneficiaries;

(6) Review and study the feasibility and financial impact upon the state of assuring by ensuring increased access ~~to~~ for Medicaid beneficiaries to primary health care in the nonhospital setting by requiring enrollment in a primary care clinic program, if available;

(7) Review and study the feasibility and financial impact upon the state of the establishment of different and lesser schedules of payment for primary health services delivered by a hospital emergency room as compared to the schedule of payments for emergency room services of a true medical emergency nature;

(8) ~~Conduct a study on the effects of rural health networks, including effects on the quality, cost and availability of care; and~~ Evaluation of the adequacy and availability of care delivery networks throughout the health care continuum from primary care to postmortem settings; and

(9) ~~Meet jointly with the advisory committee created in article thirty-five of this chapter to determine methods for coordinating the collection and analysis of health care information within the state, including the development of health information systems that will allow for the electronic transmittal of data and access by the various agencies of government;~~

Make a continuing investigation, study, and review of all matters related to any area of concern that exists within the Department of Health and Human Resources, and any successor agencies, including, but not limited to, financial, administrative, programmatic, and systemic issues.

(b) The commission shall make annual reports to the Legislature regarding the results of all investigations, studies and reviews pursuant to §16-29E-7.

§16-29E-7. Legislative reports.

(a) The commission shall submit annual reports to the Legislature, as required by §16-29E-5, which such reports shall describe and evaluate in a concise manner:

(1) The major activities of the several health and human resources agencies for the fiscal year immediately past, including important policy decisions reached on initiatives undertaken during that year, especially as such activities, decisions and initiatives relate to:

(A) The implementation of health care or social services programs;

(B) Improving the accessibility of appropriate health care in all areas of this state;

(C) Improving the health status of the citizens of this state; and

(D) Coordinating social services programs to reflect a cohesive delivery of transitional services.

(2) Other information considered by the commission to be important, including recommendations for statutory, fiscal or policy reforms and reasons for such recommendations.

(b) The reports may specify in what manner any practice, policy or procedure may or should be modified to satisfy the goal of efficient and effective delivery of health and social services programs and to improve the quality of health and social services available in this state.

(c) The commission may require the Department of Health and Human Resources to submit reports on a routine or as needed basis. These reports shall be submitted to the commission. The submission instructions and format for the reports may be designated by the commission or the Joint Committee on Government and Finance.”

The bill was then ordered to third reading.

H. B. 2904, Supplementing and amending appropriations to the Department of Commerce, Office of the Secretary; 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. 2908, Supplementing and amending appropriations to the Department of Commerce, Division of Forestry; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3557, Making a supplementary appropriation to the Department of Veterans' Assistance; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

Com. Sub. for S. B. 51, Requiring impact statement in certain instances of school closing or consolidation,

S. B. 131, Allowing municipal fire marshals to receive service weapon upon retirement,

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

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

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

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

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

And,

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

At 1:32 p.m., on motion of Delegate Kimble, the House of Delegates recessed until 5:00 p.m.

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Evening Session

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

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for H. B. 2587, To reflect that County Sheriffs will be required to include a breakdown of the distribution of where a citizens taxes will be paid.

A message from the Senate, by

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

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

A message from the Senate, by

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

H. B. 2611, To remove certain territorial limitations on a banking institution's ability to offer messenger services or mobile banking facilities.

A message from the Senate, by

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

Com. Sub. for H. B. 2638, Authorizing certain agencies of the Department of Administration to promulgate legislative rules.

A message from the Senate, by

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

Com. Sub. for H. B. 2762, Allowing variance in state fire code for certain buildings used solely for emergency equipment storage.

A message from the Senate, by

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

H. B. 2899, Repealing two sections of code relating to gas utility rates.

A message from the Senate, by

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

Com. Sub. for H. B. 3210, Relating to the performance of installation of propane gas systems.

A message from the Senate, by

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

H. B. 3215, Relating to land use.

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. 62 – “A Bill to amend and reenact §19-23-12a of the Code of West Virginia, 1931, as amended; to amend and reenact §29-22A-12 of said code; to amend and reenact §29-22C-3, §29-22C-4, §29-22C-6, and §29-22C-7 of said code; to amend said code by adding thereto a new section, designated §29-22C-7a; to amend and reenact §29-22C-8 of said code; and to amend and reenact §29-22D-15 of said code, all relating to allowing for the establishment of a secondary or satellite location for pari-mutuel wagering on simulcast races, racetrack video lottery terminals, sport wagering kiosks, and racetrack table games of licensed racetracks at an alternative location within the current county of the licensed racetrack; providing that the original venue must remain in operation; providing that the original venue continue to offer amenities, accommodations, options and services at the same level; providing for a local option election; defining terms; providing Lottery Commission authority to regulate secondary locations; providing for rulemaking; providing for licensing of secondary or satellite locations; providing for

fees to operate secondary or satellite locations; and restricting special elections to begin operating racetracks”; 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. 199 – “A Bill to amend and reenact §5A-1-1 of the West Virginia Code, 1931, as amended; to amend and reenact §5A-3-10 of said code; to amend and reenact §5A-3A-2 of said code; and to repeal §5A-3A-3, §5A-3A-4, §5A-3A-5, and §5A-3A-6 of said code, all relating to requiring purchases of certain commodities and services from state use program partners; revising definitions; updating terms; and requiring Division of Purchasing to purchase certain commodities and services from approved state use program partners if approved state use program partner bid is within five percent of lowest competitor bid”; which was referred to the Committee on Government Organization then Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 220 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-12E-12; to amend said code by adding thereto a new article, designated §19-12F-1, §19-12F-2, §19-12F-3, §19-12F-4, §19-12F-5, §19-12F-6, §19-12F-7, §19-12F-8, §19-12F-9, §19-12F-10, and §19-12F-11; to amend and reenact §60-7-12 and §60-7-13 of said code; and to amend said code by adding thereto a new article, designated §60-10-1 and §60-10-2, all relating to further regulation of hemp-derived cannabinoid products and regulation of kratom; creating the Hemp-Derived Cannabinoid Regulation Act; creating the Select Plant-Derived Regulation Act; making legislative findings and declaring the purpose of the acts; defining terms; requiring permits to manufacture, process, distribute, and sell regulated products; vesting regulatory authority in the Commissioner of Agriculture and the Alcohol Beverage Control Commission; granting legislative and emergency rule-making authority to the Commissioner of Agriculture and the Alcohol Beverage Control Commissioner; establishing an internal effective date from passage for purposes of declaring illegal products contraband and authorizing seizure, forfeiture, and destruction; limiting lawful sale of regulated products to persons 21 years of age or older; requiring age verification for internet sales and sales not made face-to-face; creating a fifteen percent tax on retail sales to be collected by the Tax Commissioner quarterly; establishing distribution of tax revenue; authorizing the Alcohol Beverage Control Commissioner to enforce regulation of the product at the retail level; clarifying Alcohol Beverage Control Commissioners authority over alcohol licensees selling kratom and hemp-derived cannabinoid products; and creating criminal offenses related to regulated products and establishing criminal penalties therefor”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 546 – “A Bill to amend and reenact §60A-2-204, §60A-2-206, §60A-2-210, and §60A-2-212 of the Code of West Virginia, 1931, as amended, all relating to classifying additional drugs and substances to Schedules I, II, IV, and V of the Uniform Controlled Substances Act; removing a substance from Schedule V; modifying language for clarity, that unless expressly exempted by law, all delta tetrahydrocannabinols are included in schedule I; and

declaring that the provisions related to tetrahydrocannabinols are inapplicable to products lawfully manufactured, distributed, or possessed pursuant to the Industrial Hemp Development Act and the Medical Cannabis Act”; 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. 581 – “A Bill to amend and reenact §11-1A-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §19-1-4 of said code; to amend and reenact §19-2-5 of said code; to amend and reenact §19-2C-1, §19-2C-6a, and §19-2C-10 of said code; to amend and reenact §19-12-2 of said code; to amend and reenact §19-12D-3, §19-12D-4, and §19-12D-5 of said code; to amend and reenact §19-36-2 of said code; to amend said code by adding thereto a new article, designated §19-39-1, §19-39-2, §19-39-3, §19-39-4, §19-39-5, §19-39-6, §19-39-7, §19-39-8, §19-39-9, §19-39-10, and §19-39-11, all relating generally to the 2023 Farm Bill; defining terms; authorizing transfer of land owned by the Department of Agriculture; increasing membership and composition of board of review; compensating board of review members for services; limiting consecutive terms served by board of review members; removing public hearing requirement relating to noxious weed and rule; restricting ownership of agricultural land holdings; providing exceptions to restrictions on ownership of agricultural land holdings; requiring report to be filed with Commissioner of Agriculture in certain circumstances; providing for enforcement of violations of acquisition, registration, and reporting requirements; permitting Attorney General to initiate action in circuit court; requiring Attorney General to make notice filing; directing circuit court to enter an order under certain circumstances; providing for escheat of property to state; directing sale of escheated property; providing civil penalty for failure to meet filing requirements; and providing effective dates”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 739 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-11C-1 and §22-11C-2, all relating to the declaration of a moratorium for 60 days on entering into contracts or agreements selling, leasing, letting, or otherwise transferring property rights relating to any deferral, reduction, or limitation on the harvesting of timber for carbon storage, carbon capture, carbon sequestration, or similar agreements, in order to give the Legislature time to deliberate and pass laws as may be determined to be necessary to prevent or mitigate substantial economic harm to West Virginia citizens; creating a 60-day moratorium on any contract or agreement for the deferral, reduction, or limitation on the harvesting of timber or otherwise transferring any property right relating to the harvesting of time, for property situate in this state relating to carbon storage, carbon capture, carbon sequestration, or similar methods of offset for economic or other gain; declaring any contract or agreement entered into in violation of the moratorium null and void; and making legislative findings”; which was referred to the Committee on Energy and Manufacturing.

A message from the Senate, by

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

S. B. 740 – “A Bill to amend and reenact §4-2A-2, §4-2A-4, §4-2A-5, §4-2A-6, and §4-2A-7 of the Code of West Virginia, 1931, as amended, all relating to compensation and expense reimbursement for members of the Legislature as recommended by the Citizens Legislative Compensation Commission; modifying the basic compensation to an amount equal to the per capita income in West Virginia; modifying the per diem expense allowance for members of the Legislature when in regular, extended, or extraordinary session; modifying the compensation, per diem expense allowance, and travel reimbursement paid to designated members of the Legislature when not receiving compensation for being in attendance during a regular, extended, or extraordinary session; modifying interim compensation paid to members of the Legislature; authorizing members-elect to the Legislature to receive certain travel reimbursement; and modifying the per diem expense allowance for members of the Legislature who both commute and do not commute”; to the Committee on Finance.

At the request of Delegate Kimble, 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 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. 455, Modifying certain used car restrictions,

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:

Com. Sub. for S. B. 468, Continuing Cabwaylingo State Forest Trail System,

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:

Com. Sub. for S. B. 121, Creating Student Journalist Press Freedom Protection Act,

And,

Com. Sub. for S. B. 335, Authorizing Department of Homeland Security to promulgate legislative rules,

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

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

Your Committee on Rules has had under consideration:

H. C. R. 12, To place Purple Heart Signs at the entrances to the state,

H. C. R. 33, Lt. Col. Mitchell M. Mickel Memorial Bridge,

H. C. R. 36, Charles A. White Memorial Bridge,

H. C. R. 51, U. S. Army SFC Samuel Evans Miller Memorial Bridge,

H. C. R. 54, U.S. Army PFC Russell Richard Ferguson Memorial Bridge,

H. C. R. 55, U. S. Army SP4 Lee Thomas Memorial Bridge,

H. C. R. 56, George M. Hall Memorial Bridge,

H. C. R. 58, U. S. Army SSG Steven "Todd" Shay Memorial Bridge,

H. C. R. 61, U.S. Army Sgt. John Edsel Edens Memorial Road,

Com. Sub. for S. C. R. 3, Dr. Roland P Sharp Memorial Road,

And,

Com. Sub. for S. C. R. 6, US Army SGT Vincent DiBacco Memorial Bridge.

And reports the same back with the recommendation that they each be adopted.

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

Your Committee on the Judiciary has had under consideration:

S. B. 142, Modifying procedures to settle estates of decedents,

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

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:

S. B. 609, Obtaining approval for decommissioning or deconstructing of existing power plant,

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

At the respective requests of Delegate Kimble, and by unanimous consent, the bill (S. B. 609) was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration:

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

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:

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

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. 2927, Supplementing and amending appropriation to the Department of Homeland Security, Division of Corrections and Rehabilitations - Correctional Units,

H. B. 3065, Supplementing appropriations to the Department of Transportation, Division of Multimodal Transportation Facilities - Aeronautics Commission.

H. B. 3067, Supplementing and amending appropriations to Department of Transportation, Division of Multimodal Transportation Facilities - Public Transit,

H. B. 3108, Supplementing and amending appropriations to the Department of Transportation, Division of Multimodal Transportation Facilities - State Rail Authority,

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

And,

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

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:

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

And,

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

And reports the same back, with amendment, with the recommendation that they each 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:

Com. Sub. for S. B. 268, Relating to PEIA,

And,

Com. Sub. for S. B. 423, Increasing salary for certain state employees,

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

At the respective requests of Delegate Kimble, and by unanimous consent, the bills were (Com. Sub. for S. B. 268 and Com. Sub. for S. B. 423) were taken up for immediate consideration, read a first time, and ordered to second reading.

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. 2911, Supplementing and amending appropriations to the Department of Homeland Security, Division of Administrative Services,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2911 – “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 Homeland Security, Division of Administrative Services, fund 0546, fiscal year 2023, organization 0623, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023,”

H. B. 2914, Supplementing and amending appropriations to the Governor’s Office - Civil Contingent Fund,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2914 – “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 Governor’s Office – Civil Contingent Fund, fund 0105, fiscal year 2023, organization 0100 by supplementing and amending the appropriations for the fiscal year ending June 30, 2023,”

H. B. 3040, Supplementing and amending appropriations to the Department of Administration, Office of the Secretary,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3040 – “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 Administration, Office of the Secretary, fund 0186, fiscal year 2023, organization 0201, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023,”

And,

H. B. 3074, Supplementing appropriations to the Department of Transportation, Division of Multimodal Transportation Facilities,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3074 – “A Bill supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2022, known as the budget bill, as amended, in Title II from the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Transportation, Division of Multimodal Transportation Facilities, fund 0580, fiscal year 2023, organization 0810, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023,”

With the recommendation that the committee substitutes each do pass.

Leaves of Absence

At the request of Delegate Kimble, and by unanimous consent, leaves of absence for the day were granted Delegates Ellington, Hardy and Howell.

Miscellaneous Business

At 6:37 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, March 3, 2023.

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

SPECIAL CALENDAR

Friday, March 3, 2023

52nd Day

11:00 A. M.

UNFINISHED BUSINESS

- Com. Sub. for S. C. R. 3 - Dr. Roland P Sharp Memorial Road
- Com. Sub. for S. C. R. 6 - US Army SGT Vincent DiBacco Memorial Bridge
- H. C. R. 12 - Requesting that the Division of Highways place roadway welcome signs containing the phrase "West Virginia a Purple Heart State"
- H. C. R. 33 - Lt. Col. Mitchell M. Mickel Memorial Bridge
- H. C. R. 36 - U. S. Army Pvt. Charles A. White, Sr. Memorial Bridge
- H. C. R. 51 - U. S. Army SFC Samuel Evans Miller Memorial Bridge
- H. C. R. 54 - U.S. Army PFC Russell Richard Ferguson Memorial Bridge
- H. C. R. 55 - Chief Lee Thomas Memorial Bridge
- H. C. R. 56 - George M. Hall Memorial Bridge
- H. C. R. 58 - U. S. Army SSG Steven "Todd" Shay Memorial Bridge
- H. C. R. 61 - U.S. Army Sgt. John Edsel Edens Memorial Road

THIRD READING

- Com. Sub. for S. B. 188 - Grid Stabilization and Security Act of 2023 (CRISS) (REGULAR)
- Com. Sub. for S. B. 430 - Relating to State Treasurer's authority to contract with financial institutions for banking goods and services (PHILLIPS) (REGULAR)
- Com. Sub. for S. B. 490 - Patrol Officer Cassie Marie Johnson Memorial Act (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING] [AMENDMENT PENDING] [RIGHT TO AMEND]
- S. B. 510 - Supplementing and amending appropriations to BOE, Department of Education (CRISS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 526 - Including Alzheimer's disease in existing public health programs (SUMMERS) (REGULAR)
- Com. Sub. for S. B. 577 - Reducing copay cap on insulin and devices and permitting purchase of testing equipment without prescription (SUMMERS) (REGULAR)

- Com. Sub. for S. B. 594 - Specifying fairness in cost sharing calculations for certain high deductible health plans (EFFECTIVE FROM PASSAGE)
- S. B. 605 - Requiring state medical examiner to enter into contracts with procurement organization (SUMMERS) (EFFECTIVE FROM PASSAGE)
- S. B. 679 - Requiring Office of Inspector General to promulgate rules concerning location of forensic group homes (SUMMERS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 730 - Expanding authority of Legislative Oversight Commission on Health and Human Resources Accountability (SUMMERS) (EFFECTIVE FROM PASSAGE)
- H. B. 2904 - Supplementing and amending appropriations to the Department of Commerce, Office of the Secretary (CRISS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2908 - Supplementing and amending appropriations to the Department of Commerce, Division of Forestry (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3557 - Making a supplementary appropriation to the Department of Veterans' Assistance (CRISS) (EFFECTIVE FROM PASSAGE)

SECOND 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]
- Com. Sub. for S. B. 205 - Relating to registration plates (LINVILLE) (REGULAR) [TECHNOLOGY AND INFRASTRUCTURE COMMITTEE AMENDMENT PENDING]
- S. B. 246 - Revising membership of Broadband Enhancement Council (LINVILLE) (REGULAR)
- Com. Sub. for S. B. 268 - Relating to PEIA (CRISS) (EFFECTIVE FROM PASSAGE) [FINANCE COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 423 - Increasing salary for certain state employees (CRISS) (JULY 1, 2023) [FINANCE COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 439 - Establishing design-build program for DEP (LINVILLE) (REGULAR)
- Com. Sub. for S. B. 463 - Increasing validity of CDL instruction permit (LINVILLE) (REGULAR)
- S. B. 591 - Allowing counties and municipalities to jointly undertake development projects (HOWELL) (REGULAR)

- S. B. 609 - Obtaining approval for decommissioning or deconstructing of existing power plant (ANDERSON) (EFFECTIVE FROM PASSAGE) [ENERGY AND MANUFACTURING COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 613 - Relating generally to certificates of need (CRISS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2024 - Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution (CRISS) (EFFECTIVE FROM PASSAGE)

FIRST READING

- Com. Sub. for S. B. 121 - Creating Student Journalist Press Freedom Protection Act (CAPITO) (REGULAR)
- S. B. 142 - Modifying procedures to settle estates of decedents (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- S. B. 237 - Relating to Public Employees Retirement System and State Teachers Retirement System (CRISS) (JULY 1, 2023)
- Com. Sub. for S. B. 335 - Authorizing Department of Homeland Security to promulgate legislative rules (CAPITO) (EFFECTIVE FROM PASSAGE)
- S. B. 449 - Updating terms for Natural Resources Police Officers Retirement System and retirement systems for charter schools (CRISS) (REGULAR) [FINANCE COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 450 - Defining medical examination for disability purposes in retirement plans administered by Consolidated Public Retirement Board (CRISS) (REGULAR) [FINANCE COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 453 - Ensuring retirement contributions and delinquency charges of charter school employees be paid upon school closure or by successor (CRISS) (REGULAR)
- Com. Sub. for S. B. 455 - Modifying certain used car restrictions (LINVILLE) (REGULAR)
- S. B. 458 - Setting rate of interest on delinquent retirement contribution submissions (CRISS) (REGULAR)
- Com. Sub. for S. B. 468 - Continuing Cabwaylingo State Forest Trail System (HOWELL) (REGULAR)
- Com. Sub. for S. B. 475 - Modifying examinations for disability pensions (CRISS) (JULY 1, 2023)
- S. B. 529 - Allowing businesses to register as limited liability limited partnerships (CAPITO) (REGULAR)

- S. B. 533 - Relating to limitations on motor vehicle used by nonprofit cooperative recycling associations (PHILLIPS) (REGULAR) [GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 539 - Authorizing state and subdivisions to negotiate price for construction when all bids received exceed maximum budget (PHILLIPS) (REGULAR)
- S. B. 597 - Allowing Workforce WV to hire classified service exempt employees (PHILLIPS) (REGULAR)
- Com. Sub. for S. B. 656 - Verifying legal employment status of workers to governmental agencies (PHILLIPS) (REGULAR) [GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING]
- Com. Sub. for H. B. 2911 - Supplementing and amending appropriations to the Department of Homeland Security, Division of Administrative Services (CRISS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2914 - Supplementing and amending appropriations to the Governor's Office - Civil Contingent Fund (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 2927 - Supplementing and amending appropriation to the Department of Homeland Security, Division of Corrections and Rehabilitations - Correctional Units (CRISS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 3040 - Supplementing and amending appropriations to the Department of Administration, Office of the Secretary (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3065 - Supplementing appropriations to the Department of Transportation, Division of Multimodal Transportation Facilities - Aeronautics Commission (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3067 - Supplementing and amending appropriations to Department of Transportation, Division of Multimodal Transportation Facilities - Public Transit (CRISS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 3074 - Supplementing appropriations to the Department of Transportation, Division of Multimodal Transportation Facilities (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3108 - Supplementing and amending appropriations to the Department of Transportation, Division of Multimodal Transportation Facilities - State Rail Authority (CRISS) (EFFECTIVE FROM PASSAGE)

HOUSE CALENDAR

Friday, March 3, 2023

52nd Day

11:00 A. M.

THIRD READING

- Com. Sub. for H. B. 2075 - To provide a means to classify when medications should be continued or stopped for patients (SUMMERS) (REGULAR)
- Com. Sub. for H. B. 2498 - To require medication-assisted treatment programs to have written policies concerning community relations (SUMMERS) (REGULAR)
- H. B. 3459 - To allow for a best value procurement evaluation for prequalified bidders (PHILLIPS) (REGULAR)

SECOND READING

- Com. Sub. for H. B. 2017 - Relating to service of process in child abuse cases (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2196 - To remove opioid treatment programs from requiring a certificate of need (SUMMERS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2471 - Relating to the suspension of driver's license for unpaid tickets (CAPITO) (REGULAR)
- H. B. 2510 - To establish the Rare Earth Element and Critical Mineral Investment Tax Credit Act (HOWELL) (EFFECTIVE FROM PASSAGE)
- H. B. 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. 3484 - Relating to SNAP benefits (PHILLIPS) (REGULAR)
- H. B. 3487 - Relating to cost-sharing calculations for certain Health Savings Account-qualified High Deductible Health Plans (SUMMERS) (REGULAR)
- H. B. 3558 - Relating to providing an exception to the provisions of the Uniform Common Interest Ownership Act (UCOIA) (HOWELL) (REGULAR)

FIRST READING

Com. Sub. for H. B. 2189 - To create the "Protection of Property from Warrantless Searches Act." (CAPITO) (REGULAR)

Com. Sub. for H. B. 3421 - Recodifying the code to eliminate conflicts (CAPITO) (REGULAR)

WEST VIRGINIA HOUSE OF DELEGATES

FRIDAY, MARCH 3, 2023

HOUSE CONVENES AT 11:00 A.M.

COMMITTEE ON THE JUDICIARY

9:00 A.M. – ROOM 410-M

COMMITTEE ON EDUCATION

9:00 A.M. – ROOM 432-M

COMMITTEE ON HEALTH AND HUMAN RESOURCES

9:30 A.M. – ROOM 215-E

COMMITTEE ON RULES

10:45 A.M. – BEHIND CHAMBER

COMMITTEE ON GOVERNMENT ORGANIZATION

1:00 P.M. – ROOM 215-E

COMMITTEE ON FINANCE

3:00 P.M. – ROOM 460-M

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