

West Virginia Legislature

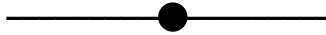
JOURNAL
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March 6, 2023
FIFTY-FIFTH DAY



Monday, March 6, 2023

FIFTY-FIFTH DAY

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

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

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

The Clerk proceeded to read the Journal of Saturday, March 4, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on the Judiciary has had under consideration:

S. B. 146, Modifying regulations of peer-to-peer car sharing program,

And,

Com. Sub. for S. B. 345, Authorizing Department of Revenue to promulgate legislative rules,

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

Messages from the Executive

and Other Communications

The Clerk announced that **Com. Sub. for H. B. 3308** was presented to the Governor on March 6, 2023.

Communication from His Excellency, the Governor, advised that on March 4, 2023, he approved **Com. Sub. for H. B. 2006**, **Com. Sub. for H. B. 2596**, **Com. Sub. for H. B. 3055** and **Com. Sub. for H. B. 3122**.

The Clerk announced that **S. B. 128** had become law without the signature of the Governor.

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. 2605, Relating to Good Samaritan law.

On motion of Delegate Kelly, 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 7. ACTIONS FOR INJURIES.

§55-7-15. Aid to victim of accident, ~~and victim of crime~~, emergency, or disaster; immunity from civil liability, definitions.

(a) ~~No~~ A person, including, without limitation, ~~a person licensed to practice medicine or dentistry~~ trained, licensed, or certified professionals, or an entity who in good faith renders or provides emergency care, or assistance at the scene of an accident, ~~or to a victim at the scene of a crime~~ emergency, or disaster, voluntarily and without remuneration, ~~shall~~ may not be liable for any civil damages as the result of any act or omission at the scene in rendering, or providing such emergency care or assistance.

(b) For purposes of this section, the term ‘emergency’ means any instance where a person suffers from a medical condition requiring immediate treatment due to natural causes, accident, or crime.

(c) For purposes of this section, ‘disaster’ has the same meaning as that term is defined in §15-5-2 of this code.

§55-7-17. Aid by trained ~~hazardous substance~~ emergency response services personnel; entities, immunity from civil liability; definitions.

(a) ~~No~~ A person trained in a qualified program of hazardous substance emergency response services certified by the State Fire Marshal pursuant to rules promulgated by authority of subsection (a), section five a, article three, chapter twenty nine of this code or an entity, who voluntarily and in good faith renders or provides advice, ~~or assistance, equipment, or materials~~ at the scene of an actual or threatened accident, emergency, or disaster, ~~discharge of any hazardous substance and receives no remuneration for rendering or providing such~~ the advice, ~~or assistance, equipment, or materials~~ is not liable for any civil damages as the result of any act or omission at the scene in rendering or providing such advice, ~~or assistance, equipment, or materials~~; *Provided*, That the exemption from liability for civil damages of this section shall be extended to any ~~such~~ person who receives reimbursement for out-of-pocket expenses incurred in rendering or providing such the advice, ~~or assistance, equipment, or materials~~ or compensation from his or her regular employer for the time period during which he or she was actually engaged in rendering or providing such advice, ~~or assistance, equipment, or materials~~, but is not extended to ~~any such~~ that person or an entity who by his, or her, or its act or omission caused or contributed to the cause of ~~such~~ the actual or threatened ~~discharge of any hazardous substance~~ accident, emergency, or disaster.

For the purposes of this section, ‘~~hazardous substance~~’ means any ‘~~hazardous substance~~’ as defined in ~~chapter eighty eight, Acts of the Legislature, regular session, one thousand nine hundred eighty five~~; any ‘~~chemical substances and materials~~’ listed in the rules promulgated by the commissioner of labor pursuant to section eighteen, article three, chapter twenty one, of this code; and any ‘~~hazardous waste~~’ as defined in section three, article eighteen, chapter twenty two of this code.

(b) For purposes of this section, the term 'emergency' includes, without limitation, any instance where a person suffers from a medical condition requiring immediate treatment due to natural causes, accident, or crime.

(c) For purposes of this section, the term 'disaster' has the same meaning as that term is defined in §15-5-2 of this code and temporally includes the imminent threat of disaster as well as its occurrence.

(d) For purposes of this section, the term 'emergency services' means any mine rescue response services, hazardous substance response services, chemical substance and materials response services, hazardous waste response services and further has the meaning as the term is defined in §15-5-2 of the code."

And,

Com. Sub. for H. B. 2605 – “A Bill to amend and reenact §55-7-15 and §55-7-17 of the Code of West Virginia, 1931, as amended, all relating to actions for injuries; providing that certain persons or an entity who in good faith render or provide emergency care or assistance to a person at the scene of an accident, emergency, or disaster, voluntarily and without remuneration, are not liable for civil damages for acts or omissions at the scene; providing that persons trained in a qualified program of emergency services who in good faith render or provide advice, assistance, equipment, or materials at the scene of an actual or threatened accident, emergency, or disaster, voluntarily and without remuneration, are not liable for civil damages for acts or omissions at the scene; allowing reimbursement for out-of-pocket expenses for equipment and materials without losing immunity; and defining terms.”

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. 495**), 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: Espinosa, Ferrell and Fluharty.

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. 2605) 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, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2640, Authorizing certain agencies of the Department of Environmental Protection to promulgate legislative rules.

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

On page 2, section 1, line 8 by striking out the word “amendments” and inserting in lieu thereof the word ‘amendment’;

On page 2, section 1, line 10, by striking out the semicolon and inserting in lieu thereof a period.

And,

On page 2, section 1, after line 10 by striking out the remainder of the subsection.

And,

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

Com. Sub. for H. B. 2640 – “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Environmental Protection to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements for operating permits; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of ozone season nitrogen oxides emissions; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to quarrying and reclamation; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the Recycling Assistance Grant Program; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the Reclamation of Abandoned and Dilapidated Properties Grant Program; and authorizing the Secretary’s Office of the Department of Environmental Protection to promulgate a legislative rule relating to reclamation of solar and wind electricity generation facilities.”

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. 496**), 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: Dillon, A. Hall and Vance.

Absent and Not Voting: Espinosa, Ferrell and Fluharty.

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. 2640) passed.

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

On this question, the yeas and nays were taken (**Roll No. 497**), 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: A. Hall and Vance.

Absent and Not Voting: Espinosa, Ferrell and Fluharty.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2640) takes effect from its passage.

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

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:

Com. Sub. for H. B. 2648, Authorizing certain agencies and boards of the DHHR to promulgate a legislative rule.

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

“ARTICLE 5. AUTHORIZATION FOR DEPARTMENT OF HEALTH AND HUMAN RESOURCES TO PROMULGATE LEGISLATIVE RULES.

§64-5-1. Department of Health and Human Resources.

(a) The legislature directs the Department of Health and Human Resources to amend the legislative rule filed in the State Register on April 30, 2021, authorized under the authority of §16-1-4 of this code, relating to the Department of Health and Human Resources (Food Establishments, 64 CSR 17), with the amendment set forth below:

On page 2, by striking out all of subdivision 3.1.h. and inserting in lieu thereof a new subdivision 3.1.h. to read as follows:

3.1.h. Chapter 6, section 6-501.115 is not applicable if the following conditions are met:

3.1.h.1. The dog is prohibited from entering any areas where food is being prepared

3.1.h.2. The dog owner will be asked to leave, if a dog creates a nuisance;

3.1.h.3. The establishment is licensed as a private club, restaurant, coffee shop, brew pub, or micro distillery;

3.1.h.4. The establishment has liability insurance for dog-related incidents;

3.1.h.5. Dog accidents are cleaned and sanitized. Dog waste stations are available. A written procedure shall be established and posted concerning dog accident cleanup; and

3.1.h.6. Signage is present indicating that the establishment is dog friendly.

(b) The legislative rule filed in the State Register on March 8, 2022, authorized under the authority of §27-6A-2 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State

Register on October 4, 2022, relating to the Department of Health and Human Resources (procedures pertaining to the Dangerousness Assessment Advisory Board, 64 CSR 26), is authorized.

(c) The legislative rule filed in the State Register on July 28, 2022, authorized under the authority of §16-1-6 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 14, 2022, relating to the Department of Health and Human Resources (standards for local boards of health, 64 CSR 73), is authorized.

(d) The legislative rule filed in the State Register on July 25, 2022, authorized under the authority of §16-12-3 of this code, modified by the Department of Health and Human Resources to meet the objectives of the Legislative Rule-Making Review Committee and refiled in the State Register on October 14, 2022, relating to the Department of Health and Human Resources (medical examiner requirements for postmortem inquiries, 64 CSR 84), is authorized with the following amendment:

On page 14, by striking out all of section 13.5. and inserting in lieu thereof a new section 13.5 to read as follows:

“13.5. This section applies only to remains of persons whose death have been pronounced within the State of West Virginia or for remains of persons whose deaths have been pronounced in another state and does not have a prior authorization for cremation issued by the state in which the death occurred.”

(e) The legislative rule filed in the State Register on July 22, 2022, authorized under the authority of §16A-3-1 of this code, relating to the Department of Health and Human Resources (Medical Cannabis Program - grower and processors, 64 CSR 110), is authorized with the amendment set forth below:

On page 12, subdivision 8.1.d., by striking out the words “not to exceed 180 days” and inserting in lieu thereof the words “not less than 180 days”.

(f) The legislative rule filed in the State Register on July 22, 2022, authorized under the authority of §16A-3-1 of this code, relating to the Department of Health and Human Resources (Medical Cannabis Program - dispensaries, 64 CSR 112), is authorized with the amendment set forth below:

On page 12, subdivision 11.1.d., by striking out the words “not to exceed 180 days” and inserting in lieu thereof the words “not less than 180 days”.

(g) The legislative rule filed in the State Register on August 24, 2022, authorized under the authority of §16-29B-8 of this code, relating to the Department of Health and Human Resources (financial disclosure, 65 CSR 13), is authorized.

(h) The legislative rule filed in the State Register on July 29, 2022, authorized under the authority of §16-29B-24 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 4, 2022, relating to the Department of Health and Human Resources (Uniform Bill Database, 65 CSR 34), is authorized.

(i) The legislative rule filed in the State Register on June 22, 2022, authorized under the authority of §16-53-3 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 26, 2022, relating to the Department of Health and Human Resources (development of methodologies to examine needs for substance use disorder treatment facilities within the state, 69 CSR 13), is authorized.

(j) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §16-42-6 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 4, 2022, relating to the Department of Health and Human Resources (Core Behavioral Health Crisis Services System, 69 CSR 19), is authorized.

(k) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §49-2-121 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 14, 2022, relating to the Department of Health and Human Resources (child care centers licensing, 78 CSR 01), is authorized.

(l) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §27-17-3 of this code, relating to the Department of Health and Human Resources (minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults and vulnerable and transitioning youth group homes and programs in West Virginia, 78 CSR 03), is authorized.

(m) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §49-2-121 of this code, relating to the Department of Health and Human Resources (family child care facility licensing requirements, 78 CSR 18), is authorized.

(n) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §49-2-121 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 14, 2022, relating to the Department of Health and Human Resources (family child care home registration requirements, 78 CSR 19), is authorized with the amendments set forth below:

On page 13, subdivision 9.2.1.a, after the word, "signed" by inserting the words, "and dated";

And,

On page 13, subdivision 9.2.1.a., after the word, "available" by inserting the words, "the date the pet it brought into the home,".

(o) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §49-2-121 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 14, 2022, relating to the Department of Health and Human Resources (informal and relative family child care home registration requirements, 78 CSR 20), is authorized.

(p) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §49-2-121 of this code, modified by the Department of Health and Human Resources

to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 14, 2022, relating to the Department of Health and Human Resources (out-of-school-time child care center licensing requirements, 78 CSR 21), is authorized.

(q) The legislative rule filed in the State Register on September 20, 2022, authorized under the authority of §49-2-126 of this code, relating to the Department of Health and Human Resources (goals for foster children, 78 CSR 25), is authorized.

(r) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §49-2-115A of this code, relating to the Department of Health and Human Resources (deemed head start child care center licenses, 78 CSR 28), is authorized.

§64-5-2. Department of Health and Human Resources and the Insurance Commissioner.

The legislative rule filed in the State Register on July 29, 2022, authorized under the authority of §33-4A-8 of this code, relating to the Department of Health and Human Resources and the Insurance Commissioner (All-Payers Claims Database - Submission Manual, 114A CSR 03), is disapproved.

ARTICLE 12. REPEAL OF UNAUTHORIZED AND OBSOLETE RULES.

§64-12-2. Department of Health and Human Resources, the Insurance Commissioner, and the Chair of the Department of Health and Human Resources.

The legislative rule effective April 1, 2022, authorized under the authority of §33-4A-8 of this code, relating to the Secretary of the Department of Health and Human Resources, the Insurance Commissioner, and Chair of the Department of Health and Human Resources (All-Payer Claims Database – Data Submission Requirements, 114A CSR 01), is repealed.”

And,

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

Com. Sub. for H. B. 2648 - “A Bill to amend and reenact §64-5-1 *et seq.* of the Code of West Virginia, 1931, as amended, and to amend and reenact §64-12-2 of said code; all relating to generally authorizing the Department of Health and Human Resources to promulgate legislative rules; authorizing or rejecting the rules as filed and as modified by the Legislative Rule-Making Review Committee, and as amended by the Legislature, and directing the Department of Health and Human Resources to amend a current legislative rule; relating to directing the Department of Health and Human Resources to promulgate a legislative rule relating to food establishments; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to procedures pertaining to the Dangerousness Assessment Advisory Board; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to standards for local boards of health; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical examiner requirements for postmortem inquiries; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Medical Cannabis Program - grower and processors; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Medical Cannabis Program – dispensaries; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to financial disclosures; relating to authorizing the Department of Health and Human Resources to promulgate a legislative

rule relating to the Uniform Bill Database; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to development of methodologies to examine needs for substance use disorder treatment facilities within the state; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the Core Behavioral Health Crisis Services System; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to child care centers licensing; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults and vulnerable and transitioning youth group homes and programs in West Virginia; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to family child care facility licensing requirements; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to informal and relative family child care home registration requirements; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to informal and relative family child care home registration requirements; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to out-of-school-time child care center licensing requirements; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to goals for foster children; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to deemed head start child care center licenses; relating to rejecting the rule proposed by the Department of Health and Human Resources and the Insurance Commissioner relating to All-Payers Claims Database - Submission Manual; and relating to repealing the Department of Health and Human Resources and the Insurance Commissioner a legislative rule relating to All-Payer Claims Database – Data Submission Requirements.”

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

Absent and Not Voting: Espinosa and Ferrell.

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. 2648) passed.

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

On this question, the yeas and nays were taken (**Roll No. 499**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Espinosa and Ferrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2648) 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 that the Senate had passed, without amendment, and changed the effective date to take effect July 1, 2023, a bill of the House of Delegates as follows:

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

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

On this question, the yeas and nays were taken (**Roll No. 500**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Espinosa and Ferrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3547) takes effect July 1, 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 concurrence in the amendment of the House of Delegates, with further amendment, and the passage, as amended, of

Com. Sub. for S. B. 243, Requiring substance use disorder inpatient providers to provide transportation to patients.

Delegate Rohrbach moved that the House concur in the following amendment by the Senate:

On page 1, line 4, by changing the colon to a period and striking out the words “*Provided*, That if the patient’s transportation is being provided under the West Virginia Medicaid non-emergency medical transportation benefit, the patient may not be transported to an out of the state location greater than 30 miles past the West Virginia border.” and adding in lieu thereof the words “The provider is solely responsible for the patient’s out-of-state transportation costs and shall pay all of transportation costs associated with returning the patient to their out-of-state location.”

And,

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

Com. Sub. for S. B. 243 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-53-4, relating to residential substance use disorder service facility providers; requiring providers to offer transportation to their patients upon discharging those patients; and requiring the provider to pay all transportation costs associated with returning the patient to their out-of-state location.”

The motion to concur was rejected.

Special Calendar

Third Reading

Com. Sub. for S. B. 51, Requiring impact statement in certain instances of school closing or consolidation; on third reading, coming up in regular order, was reported by the Clerk.

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

S. B. 142, Modifying procedures to settle estates of decedents; 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. 501**), 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: Miller and Ward.

Absent and Not Voting: Espinosa, Ferrell, Garcia and Pushkin.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 142) passed.

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

S. B. 142 – “A Bill to amend and reenact §44-2-1 and §44-2-29 of the Code of West Virginia, 1931, as amended; to amend and reenact §44-3A-4a and §44-3A-19 of said code; and to amend and reenact §44-4-9 of said code, all relating to the procedure to settle estates of decedents; abolishing the requirement to publish a short form settlement of estates of decedents; providing for short form filing procedure; changing the requirement of a Class II legal advertisement to a Class I legal advertisement for the fiduciary commissioners list of long form settlements; and updating language and style.”

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

S. B. 237, Relating to Public Employees Retirement System and State Teachers Retirement System; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 502**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Espinosa and Ferrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 237) passed.

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

On this question, the yeas and nays were taken (**Roll No. 503**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Espinosa and Ferrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 237) takes effect July 1, 2023.

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

Com. Sub. for S. B. 335, Authorizing Department of Homeland Security to promulgate legislative rules; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 504**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Espinosa and Ferrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 335) passed.

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

On this question, the yeas and nays were taken (**Roll No. 505**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Espinosa and Ferrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 335) takes effect from its passage.

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

S. B. 449, Updating terms for Natural Resources Police Officers Retirement System and retirement systems for charter schools; 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. 506**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Espinosa and Ferrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 449) passed.

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

Com. Sub. for S. B. 450, Defining medical examination for disability purposes in retirement plans administered by Consolidated Public Retirement Board; 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. 507**), 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: Espinosa, Ferrell and Householder.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 450) passed.

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

Com. Sub. for S. B. 453, Ensuring retirement contributions and delinquency charges of charter school employees be paid upon school closure or by successor; 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. 508**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Espinosa and Ferrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 453) passed.

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

Com. Sub. for S. B. 455, Modifying certain used car restrictions; 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. 509**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Espinosa and Ferrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 455) passed.

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

S. B. 458, Setting rate of interest on delinquent retirement contribution submissions; 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. 510**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Espinosa and Ferrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 458) passed.

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

Com. Sub. for S. B. 468, Continuing Cabwaylingo State Forest Trail System; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 511**), and there were—yeas 94, nays 4, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Dean, Foggin, W. Hall and Longanacre.

Absent and Not Voting: Espinosa and Ferrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 468) passed.

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

Com. Sub. for S. B. 475, Modifying examinations for disability pensions; 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. 512**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Espinosa and Ferrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 475) passed.

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

On this question, the yeas and nays were taken (**Roll No. 513**), 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: Espinosa, Ferrell and Longanacre.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 475) takes effect July 1, 2023.

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

S. B. 529, Allowing businesses to register as limited liability limited partnerships; 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. 514**), 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: Espinosa, Ferrell and E. Pritt.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 529) passed.

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

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

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

Com. Sub. for H. B. 2911, Supplementing and amending appropriations to the Department of Homeland Security, Division of Administrative 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. 515**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Espinosa, Ferrell and Honaker.

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. 2911) passed.

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

On this question, the yeas and nays were taken (**Roll No. 516**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Espinosa, Ferrell and Honaker.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2911) takes effect from its passage.

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

Com. Sub. for H. B. 2914, Supplementing and amending appropriations to the Governor's Office - Civil Contingent 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. 517**), and there were—yeas 73, nays 23, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Chiarelli, Dean, Dillon, Fluharty, Garcia, Gearheart, A. Hall, Kimble, Kirby, Kump, Longanacre, McGeehan, C. Pritt, E. Pritt, Pushkin, Ridenour, Summers, Tully, Vance, Walker, Williams and Young.

Absent and Not Voting: Bridges, Espinosa, Ferrell and Honaker.

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. 2914) passed.

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

On this question, the yeas and nays were taken (**Roll No. 518**), and there were—yeas 77, nays 18, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Chiarelli, Dean, Dillon, Fluharty, Gearheart, A. Hall, Kimble, Kirby, Kump, Longanacre, McGeehan, C. Pritt, E. Pritt, Pushkin, Vance, Walker and Young.

Absent and Not Voting: Bridges, Capito, Espinosa, Ferrell and Honaker.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2914) 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. 2927, Supplementing and amending appropriation to the Department of Homeland Security, Division of Corrections and Rehabilitation - Correctional Units; 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. 519**), 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: Bridges, Capito, Espinosa, Ferrell and Honaker.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2927) passed.

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

On this question, the yeas and nays were taken (**Roll No. 520**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Capito, Espinosa, Ferrell, Honaker and Street.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2927) takes effect from its passage.

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

Com. Sub. for H. B. 3040, Supplementing and amending appropriations to the Department of Administration, Office of the Secretary; 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. 521**), 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: Bridges, Capito, Espinosa, Ferrell and Street.

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. 3040) passed.

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

On this question, the yeas and nays were taken (**Roll No. 522**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Capito, Espinosa, Ferrell, Foggin and Street.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3040) 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. 3065, Supplementing appropriations to the Department of Transportation, Division of Multimodal Transportation Facilities - Aeronautics Commission; 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. 523**), 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: Longanacre.

Absent and Not Voting: Bridges, Capito, Espinosa, Ferrell, Foggin and Linville.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3065) passed.

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

On this question, the yeas and nays were taken (**Roll No. 524**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Capito, Espinosa, Ferrell, Foggin and Linville.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3065) 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. 3067, Supplementing and amending appropriations to Department of Transportation, Division of Multimodal Transportation Facilities - Public Transit; 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. 525**), 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: Bridges, Capito, Espinosa, Ferrell and Young.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3067) passed.

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

On this question, the yeas and nays were taken (**Roll No. 526**), 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: Bridges, Capito, Espinosa, Ferrell and Young.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3067) takes effect from its passage.

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

Com. Sub. for H. B. 3074, Supplementing appropriations to the Department of Transportation, Division of Multimodal Transportation Facilities; 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. 527**), and there were—yeas 93, nays 2, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Dillon and Longanacre.

Absent and Not Voting: Bridges, Capito, Espinosa, Ferrell and Pushkin.

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. 3074) passed.

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

On this question, the yeas and nays were taken (**Roll No. 528**), 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: Bridges, Capito, Espinosa, Ferrell and Pushkin.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3074) 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. 3108, Supplementing and amending appropriations to the Department of Transportation, Division of Multimodal Transportation Facilities - State Rail 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. 529**), 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: Bridges, Capito, Espinosa, Ferrell 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. 3108) passed.

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

On this question, the yeas and nays were taken (**Roll No. 530**), and there were—yeas 91, nays none, absent and not voting 9, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Capito, Clark, Espinosa, Ferrell, Pushkin, Ridenour, Riley and Willis.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3108) 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. 267, Updating law regarding prior authorizations; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 273, Relating to allocation of child protective workers in counties based upon population of county; on second reading, coming up in regular order, was reported by the Clerk.

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

Com. Sub. for S. B. 476, Exempting managed care contracts from purchasing requirements; on second reading, coming up in regular order, was read a second time.

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

S. B. 99, Relating to meetings among county boards of education,

Com. Sub. for S. B. 191, Relating to liability for payment of court costs as condition of pretrial diversion agreement,

Com. Sub. for S. B. 356, Authorizing DOT to promulgate legislative rules,

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

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

S. B. 457, Removing certain activities Alcohol Beverage Control Commission licensee is prohibited to permit on private club premises,

Com. Sub. for S. B. 462, Modifying certain guidelines for motor vehicle dealers, distributors, wholesalers, and manufacturers,

S. B. 487, Extending additional modification reducing federal adjusted gross income,

Com. Sub. for S. B. 558, Prohibiting law-enforcement agencies from posting booking photographs of certain criminal defendants on social media,

S. B. 559, Relating to spousal privilege,

Com. Sub. for S. B. 688, Allowing BOE to hire retired teachers to assist with tutoring,

Com. Sub. for H. B. 2905, Supplementing and amending appropriations to State Board of Education - State Department of Education - Classroom Aide Program,

H. B. 2907, Supplementing and amending appropriations to the Department of Administration, Division of General Services,

H. B. 2913, Supplementing and amending appropriations to the DHHR, Consolidated Medical Services Fund,

Com. Sub. for H. B. 2928, Supplementing and amending appropriations to DHHR, Division of Health,

H. B. 3039, Making a supplementary appropriation to Adjutant General - State Militia,

H. B. 3073, Supplementing and amending appropriations to Adjutant General - State Militia,

H. B. 3553, Supplementing and amending appropriations to Department of Health and Human Resources,

H. B. 3563, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services,

And,

H. B. 3564, Making a supplementary appropriation to the Division of Human Services - Energy Assistance.

At 12:39 p.m., on motion of Delegate Householder, the House of Delegates recessed until 6:00 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:

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

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

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. 3044, Relating to the annual fee for limited video lottery terminal permits.

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. 3148, Relating to financing municipal policemen's and firemen's pension and relief funds.

A message from the Senate, by

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

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

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

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

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

Com. Sub. for S. B. 188, Grid Stabilization and Security Act of 2023.

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

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

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

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

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

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

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

Committee Reports

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. 436, Prompt Payment Act of 2023,

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 436) was referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration:

S. B. 244, Making rosters of individuals who obtain professional, occupational, and trade licenses, registrations, and certificates available to public,

And,

Com. Sub. for S. B. 649, Authorizing Berkeley County Council to change its name to Berkeley County Commission,

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

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

Your Committee on Education has had under consideration:

S. B. 251, Displaying official motto of United States in public schools and institutions of higher education,

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

In accordance with the former direction of the Speaker, the bill (S. B. 251) was referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration:

S. B. 262, Allowing students to transfer schools and retain athletic eligibility,

S. B. 625, Requiring certain transcripts to be accepted as record of student's performance for placement in micro school programs,

And,

Com. Sub. for S. B. 667, Requiring periodic performance audits of WV Secondary Schools Athletic Commission,

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

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

Your Committee on Education has had under consideration:

Com. Sub. for S. B. 47, Creating Charter Schools Stimulus Fund,

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 47) was referred to the Committee on Finance.

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

Your Committee on Education has had under consideration:

S. B. 488, Aligning state and federal accreditation rules,

And,

Com. Sub. for S. B. 543, Authorizing rule-making changes to terms, procedures and reporting duties in higher education,

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. 151, Levying tax on pass-through entity's income,

And,

Com. Sub. for S. B. 478, Relating to Jumpstart Savings Program,

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:

H. B. 3109, Supplementing and amending appropriations to the State Board of Education - State Department of Education,

H. B. 3542, Expiring funds to the Department of Administration, Board of Risk and Insurance Management, Public Entity Insurance Trust Fund,

S. B. 149, Exempting certain organizations from property taxation,

Com. Sub. for S. B. 294, Clarifying amount of deputy sheriff annual salary increase,

And,

S. B. 465, Increasing limit on moneys placed in county's rainy day fund,

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

Leaves of Absence

At the request of Delegate Householder, and by unanimous consent, leave of absence for the day was granted Delegate Espinosa.

Miscellaneous Business

Delegate Espinosa noted to the Clerk that had he been present when the votes were taken on the passage of S. B. 142, S. B. 237, Com. Sub. for S. B. 335, S. B. 449, Com. Sub. for S. B. 450, Com. Sub. for S. B. 453, Com. Sub. for S. B. 455, S. B. 458, Com. Sub. for S. B. 468, Com. Sub. for S. B. 475, S. B. 529, Com. Sub. for H. B. 2911, Com. Sub. for H. B. 2914, H. B. 2927, Com. Sub. for H. B. 3040, H. B. 3065, H. B. 3067, Com. Sub. for H. B. 3074 and H. B. 3108, he would have voted "Yea" thereon.

At 6:31 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, March 7, 2023.

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

SPECIAL CALENDAR

Tuesday, March 7, 2023

56th Day

11:00 A. M.

THIRD READING

- Com. Sub. for S. B. 51 - Requiring impact statement in certain instances of school closing or consolidation (ELLINGTON) (REGULAR)
- Com. Sub. for S. B. 267 - Updating law regarding prior authorizations (SUMMER) (REGULAR)
- Com. Sub. for S. B. 476 - Exempting managed care contracts from purchasing requirements (SUMMER) (EFFECTIVE FROM PASSAGE) [HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING] [RIGHT TO AMEND]
- Com. Sub. for S. B. 613 - Relating generally to certificates of need (SUMMERS) (EFFECTIVE FROM PASSAGE)

SECOND READING

- S. B. 99 - Relating to meetings among county boards of education (ELLINGTON) (REGULAR)
- Com. Sub. for S. B. 191 - Relating to liability for payment of court costs as condition of pretrial diversion agreement (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 273 - Relating to allocation of child protective workers in counties based upon population of county (SUMMER) (EFFECTIVE FROM PASSAGE) [HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 356 - Authorizing DOT to promulgate legislative rules (CAPITO) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 451 - Relating to Teachers Retirement System and Teachers' Defined Contribution Retirement System (CRISS) (REGULAR) [FINANCE COMMITTEE AMENDMENT PENDING]
- S. B. 452 - Relating to Emergency Medical Services Retirement System (CRISS) (REGULAR)
- S. B. 457 - Removing certain activities Alcohol Beverage Control Commission licensee is prohibited to permit on private club premises (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 462 - Modifying certain guidelines for motor vehicle dealers, distributors, wholesalers, and manufacturers (CAPITO) (REGULAR)

- S. B. 487 - Extending additional modification reducing federal adjusted gross income (CRISS) (REGULAR)
- Com. Sub. for S. B. 558 - Prohibiting law-enforcement agencies from posting booking photographs of certain criminal defendants on social media (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- S. B. 559 - Relating to spousal privilege (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 688 - Allowing BOE to hire retired teachers to assist with tutoring (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2905 - Supplementing and amending appropriations to State Board of Education - State Department of Education - Classroom Aide Program (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 2907 - Supplementing and amending appropriations to the Department of Administration, Division of General Services (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 2913 - Supplementing and amending appropriations to the DHHR, Consolidated Medical Services Fund (CRISS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2928 - Supplementing and amending appropriations to DHHR, Division of Health (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3039 - Making a supplementary appropriation to Adjutant General - State Militia (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3073 - Supplementing and amending appropriations to Adjutant General - State Militia (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3553 - Supplementing and amending appropriations to Department of Health and Human Resources (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3563 - Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3564 - Making a supplementary appropriation to the Division of Human Services - Energy Assistance (CRISS) (EFFECTIVE FROM PASSAGE)

FIRST READING

- S. B. 146 - Modifying regulations of peer-to-peer car sharing program (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- S. B. 149 - Exempting certain organizations from property taxation (CRISS) (REGULAR)

- Com. Sub. for S. B. 151 - Levying tax on pass-through entity's income (CRISS) (REGULAR) [FINANCE COMMITTEE AMENDMENT PENDING]
- S. B. 244 - Making rosters of individuals who obtain professional, occupational, and trade licenses, registrations, and certificates available to public (PHILLIPS) (REGULAR)
- S. B. 262 - Allowing students to transfer schools and retain athletic eligibility (ELLINGTON) (REGULAR) [EDUCATION COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 294 - Clarifying amount of deputy sheriff annual salary increase (CRISS) (REGULAR)
- Com. Sub. for S. B. 345 - Authorizing Department of Revenue to promulgate legislative rules (CAPITO) (EFFECTIVE FROM PASSAGE) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- S. B. 465 - Increasing limit on moneys placed in county's rainy day fund (CRISS) (REGULAR)
- Com. Sub. for S. B. 478 - Relating to Jumpstart Savings Program (CRISS) (EFFECTIVE FROM PASSAGE) [FINANCE COMMITTEE AMENDMENT PENDING]
- S. B. 488 - Aligning state and federal accreditation rules (ELLINGTON) (REGULAR)
- Com. Sub. for S. B. 543 - Authorizing rule-making changes to terms, procedures and reporting duties in higher education (ELLINGTON) (EFFECTIVE FROM PASSAGE)
- S. B. 625 - Requiring certain transcripts to be accepted as record of student's performance for placement in micro school programs (ELLINGTON) (REGULAR) [EDUCATION COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 649 - Authorizing Berkeley County Council to change its name to Berkeley County Commission (PHILLIPS) (REGULAR)
- Com. Sub. for S. B. 667 - Requiring periodic performance audits of WV Secondary Schools Athletic Commission (ELLINGTON) (REGULAR) [EDUCATION COMMITTEE AMENDMENT PENDING]
- H. B. 3109 - Supplementing and amending appropriations to the State Board of Education - State Department of Education (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3542 - Expiring funds to the Department of Administration, Board of Risk and Insurance Management, Public Entity Insurance Trust Fund (CRISS) (EFFECTIVE FROM PASSAGE)

HOUSE CALENDAR

Tuesday, March 7, 2023

56th 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 S. B. 160 - WV Rail Trails Program (HOWELL) (REGULAR) [ECONOMIC DEVELOPMENT AND TOURISM COMMITTEE AMENDMENT PENDING]
- S. B. 597 - Allowing Workforce WV to hire classified service exempt employees (PHILLIPS) (REGULAR)
- Com. Sub. for H. B. 2017 - Relating to service of process in child abuse cases (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2196 - To remove opioid treatment programs from requiring a certificate of need (SUMMERS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2471 - Relating to the suspension of driver's license for unpaid tickets (CAPITO) (REGULAR)
- H. B. 2510 - To establish the Rare Earth Element and Critical Mineral Investment Tax Credit Act (HOWELL) (EFFECTIVE FROM PASSAGE)
- H. B. 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 S. B. 121 - Creating Student Journalist Press Freedom Protection Act (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)

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. 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

TUESDAY, MARCH 7, 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 GOVERNMENT ORGANIZATION
9:00 A.M. – ROOM 215 - E**

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

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

**COMMITTEE ON ENERGY AND MANUFACTURING
2:00 P.M. – ROOM 410-M**

**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