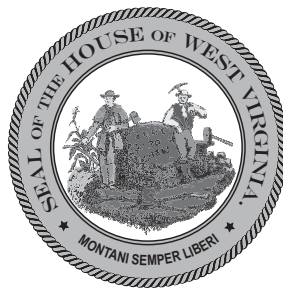


West Virginia Legislature

JOURNAL  
of the  
HOUSE of DELEGATES

Eighty-Sixth Legislature  
First Regular Session

Held at Charleston  
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January 27, 2023  
SEVENTEENTH DAY



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Friday, January 27, 2023

**SEVENTEENTH DAY**

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

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

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

The Clerk proceeded to read the Journal of Thursday, January 26, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

Your Committee on Energy and Manufacturing has had under consideration:

**H. B. 2870**, Correcting a reference relating to siting certificates for certain electric generating facilities,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2870** - "A Bill to amend and reenact §24-2-11c of the Code of West Virginia, 1931, as amended, relating generally to siting certificates for certain electric generating facilities; correcting code cross references,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Energy and Manufacturing has had under consideration:

**H. B. 2817**, Relating to Public Service Commission jurisdiction over alternative fuel for motor vehicles,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2817) was referred to the Committee on the Judiciary.

Delegate Kelly, Chair of the Committee on Jails and Prisons, submitted the following report, which was received:

Your Committee on Jails and Prisons has had under consideration:

**H. B. 2548**, Relating to temporary identification cards for released inmates,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2548) was referred to the Committee on the Judiciary.

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

Your Committee on Technology and Infrastructure has had under consideration:

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 2878) was referred to the Committee on Government Organization.

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2599**, Creating the utility pole rights of way and easement mapping initiative,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2599) was referred to the Committee on the Judiciary.

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

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

**H. B. 3061**, Relating to updating the authority of the Foster Care Ombudsman,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3061** - "A Bill to amend and reenact §49-9-101, §49-9-102 and §49-9-107 of the Code of West Virginia, 1931, as amended; all relating to updating the authority of the Foster Care Ombudsman; expanding the authority of the Foster Care Ombudsman; prohibiting the ombudsman from being compelled to testify or provide information; requiring reporting; permitting the release of information in certain circumstances,"

With the recommendation that the committee substitute do pass.

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

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

**H. B. 2613**, Relating to the administration of anesthetics,

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

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

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

**H. B. 2718**, Authorizing the Board of Medicine to promulgate a legislative rule relating to prohibiting sexual misconduct by health care practitioners,

**H. B. 2719**, Authorizing the Board of Optometry to promulgate a legislative rule relating to optometric telehealth practice,

**H. B. 2730**, Authorizing the Board of Registered Nurses to promulgate a legislative rule relating to fees for services rendered by the board,

And,

**H. B. 2733**, Authorizing the Board of Registered Nurses to promulgate a legislative rule relating to advanced practice registered nurse licensure requirements,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2718, H. B. 2719, H. B. 2730 and H. B. 2733) were each referred to the Committee on the Judiciary.

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

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

**H. B. 2710**, Authorizing the Board of Dentistry to promulgate a legislative rule relating to dental recovery networks,

**H. B. 2715**, Authorizing the Board of Medicine to promulgate a legislative rule relating to licensing of physicians and podiatric physicians and disciplinary procedures for applicants, licensees, credential holders,

**H. B. 2716**, Authorizing the Board of Medicine to promulgate a legislative rule relating to licensure, practice requirements, disciplinary and complaint procedures, continuing education, physician assistants,

**H. B. 2717**, Authorizing the Board of Medicine to promulgate a legislative rule relating to collaborative pharmacy practice,

**H. B. 2720**, Authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants,

**H. B. 2721**, Authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy,

**H. B. 2722**, Authorizing the Board of Pharmacy to promulgate a legislative rule relating to Uniform Controlled Substance Act,

**H. B. 2723**, Authorizing the Board of Pharmacy to promulgate a legislative rule relating to Board of Pharmacy rules for registration of pharmacy technicians,

**H. B. 2724**, Authorizing the Board of Pharmacy to promulgate a legislative rule relating to regulations governing pharmacy permits,

**H. B. 2725**, Authorizing the Board of Pharmacy to promulgate a legislative rule relating to inspections,

**H. B. 2726**, Authorizing the Board of Pharmacy to promulgate a legislative rule relating to Donated Drug Repository Program,

**H. B. 2727**, Authorizing the Psychologists to promulgate a legislative rule relating to code of conduct,

**H. B. 2728**, Authorizing the Board of Registered Nurses to promulgate a legislative rule relating to telehealth practice,

**H. B. 2729**, Authorizing the Board of Registered Nurses to promulgate a legislative rule relating to practitioner requirements for accessing the West Virginia Controlled Substance Monitoring Program database,

**H. B. 2731**, Authorizing the Board of Registered Nurses to promulgate a legislative rule relating to continuing education and competence,

**H. B. 2732**, Authorizing the Board of Registered Nurses to promulgate a legislative rule relating to limited prescriptive authority for nurses in advanced practice,

And,

**H. B. 2734**, Authorizing the Board of Registered Nurses to promulgate a legislative rule relating to requirements for registration and licensure and conduct constituting professional misconduct,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2710, H. B. 2715, H. B. 2716, H. B. 2717, H. B. 2720, H. B. 2721, H. B. 2722, H. B. 2723, H. B. 2724, H. B. 2725, H. B. 2726, H. B. 2727, H. B. 2728, H. B. 2729, H. B. 2731, H. B. 2732 and H. B. 2734) were each referred to the Committee on the Judiciary.

Delegate Howell, Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

**H. B. 3036**, Increasing the number of districts and the limit on approved costs under the BUILD WV Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 3036) was referred to the Committee on Finance.

Delegate Howell, Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

**H. B. 3007**, To create the West Virginia Small Business Payroll Tax Credit Pilot Program,

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

In accordance with the former direction of the Speaker, the bill (H. B. 3007) was referred to the Committee on Finance.

Delegate Howell, Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

**S. B. 207**, Relating to state allocation of funding to regional councils,

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

### **Bills Introduced**

On motions for leave, bills were introduced and severally referred as follows:

**By Delegates Foster, Phillips, Jeffries, Fast, Burkhammer, Keaton, Brooks, Martin, Crouse and Steele:**

**H. B. 3097** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-2-14, relating to prohibiting certain medical practices"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Ellington, Statler, Toney, Clark and Hornby:**

**H. B. 3098** - "A Bill to amend the Code of West Virginia, 1931, by adding thereto a new section designated §18-2-44, relating generally to standardized testing in public schools; providing legislative findings; providing for a definition of standardized testing; providing for a coordinated statewide student assessment to be administered three times during the school year; providing for removal of standardized testing with certain exceptions; providing for funding used for

standardized testing be used for the coordinated statewide student assessment or college-level readiness tests; and providing for an effective date”; to the Committee on Education.

**By Delegate Young:**

**H. B. 3099** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-21-1, §18B-21-2, §18B-21-3, §18B-21-4, §18B-21-5, §18B-21-6, §18B-21-7, §18B-21-8, §18B-21-9, and §18B-21-10, all relating to the Student Basic Needs Campus Initiative; establishing the Student Basic Needs Campus Initiative; authorizing the creation of the Student Basic Needs Campus Program office; establishing the duties of the Hunger Free Campus Program office; authorizing the Student Basic Needs Campus Program office to administer and advise the Chancellor on the Student Basic Needs Campus Grant Program; establishing the requirement for designation as a Student Basic Needs Campus; setting requirements for awarding Student Basic Needs grants; addressing Student Basic Needs Campus grant administration; creating the Student Basic Needs Campus Program and Grant Fund; setting forth reporting requirements; and authorizing legislative rules”; to the Committee on Education then Finance.

**By Delegate Young:**

**H. B. 3100** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-15F-1, §33-15F-2, §33-15F-3, §33-15F-4, §33-15F-5, §33-15F-6, and §33-15F-7, all relating to requiring medical insurance providers to include infertility services in their policies; making findings; providing for determination of infertility; providing prohibited and permissible limitations on coverage; requiring rule-making; establishing an effective date; providing for severability; and defining terms”; to the Committee on Banking and Insurance then Health and Human Resources.

**By Delegates Jeffries, Kimble, Warner, Crouse, Tully and Dittman:**

**H. B. 3101** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5A-6, relating to the notification of breast density; and providing for medical guidelines and information”; to the Committee on Health and Human Resources.

**By Delegates Jeffries, Kimble, Dittman and Mazzocchi:**

**H. B. 3102** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-23, relating to authorizing Adopt-A-Trail volunteer programs for public lands under the jurisdiction of the Division of Natural Resources; providing for activities to be performed by volunteer groups; requiring volunteer project agreements with the division; requiring certain requirements in agreements; establishing minimum requirements for volunteer organizations; establishing certain limitations on activities performed by volunteer groups; and providing for project coordination and removal and disposal of trash and other items”; to the Committee on Agriculture and Natural Resources then Government Organization.

**By Delegates Jeffries, Summers, Kimble, Crouse, Householder, Phillips, Horst and Worrell:**

**H. B. 3103** - “A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating to eliminating the restriction to carry a firearm on the State Capitol Complex grounds”; to the Committee on the Judiciary.

**By Delegates Cooper, Street, Heckert and Sheedy:**

**H. B. 3104** - “A Bill to amend and reenact §30-13A-10 of the Code of West Virginia, 1931, as amended, relating to requiring land surveyors to offer to record maps or plats of measured parcels



of land made by the surveyor”; to the Committee on Political Subdivisions then Government Organization.

**By Delegates Cooper, Toney, Heckert and Sheedy:**

**H. B. 3105** - “A Bill to amend and reenact §18A-2-5 of the Code of West Virginia, 1931, as amended, relating to requiring candidates for employment as director of transportation for a county school district to have a minimum of two years' experience as a bus operator”; to the Committee on Education.

**By Delegates Burkhammer, Lucas, Chiarelli, Thorne, Brooks, Ferrell and Keaton:**

**H. B. 3106** - “A Bill to amend and reenact §60A-2-204 of the Code of West Virginia, as amended, relating to adding kratom to the list of schedule 1 controlled substances”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Burkhammer, Householder, Foster, Butler and Riley:**

**H. B. 3107** - “A Bill to amend and reenact §21-1C-5 of the Code of West Virginia, as amended, relating to reporting requirements for public improvement projects; specifying alternative forms of records to document persons employed on the project”; to the Committee on Workforce Development then the Judiciary.

**By Delegates Hanshaw (Mr. Speaker) and Hornbuckle**

**[By Request of the Executive]:**

**H. B. 3108** - “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 - State Rail Authority, fund 0506, fiscal year 2023, organization 0810, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Hornbuckle**

**[By Request of the Executive]:**

**H. B. 3109** - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the State Board of Education – State Department of Education, fund 0313, fiscal year 2023, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

**By Delegates Anderson, Zatezalo, Horst, Hansen, Fehrenbacher, Cooper, Martin, Young and Hardy:**

**H. B. 3110** - “A Bill to amend and reenact §11-13A-5a of the Code of West Virginia, 1931, as amended, and to amend and reenact §22-6-2, §22-6-29 and §22-6A-7 of said code; all relating to funding the Office of Oil and Gas in the Department of Environmental Protection; providing for the apportionment of oil and gas severance taxes; establishing annual varied inspection fees for wells producing more than 10,000 cubic feet of gas per day; increasing the expedited modification fee while eliminated the cap on collections of fees for expedited permits and expedited modifications ;and providing that those fees, if not used for other purposes, may be moved to the Oil and Gas Reclamation special revenue fund”; to the Committee on Energy and Manufacturing then Finance.

**By Delegates Linville, Cannon, Hanshaw (Mr. Speaker), Phillips, Hardy, Summers and Keaton:**

**H. B. 3111** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section article, designated §5B-2N-1 and §5B-2N-2, relating to establishing Infrastructure Ready Jurisdictions; establishing the requirement for this designation; establishing rulemaking for these Infrastructure Ready Jurisdictions for the Office of Economic Development; and awarding an additional five percent preferential scoring for these jurisdictions on all permissible grants"; to the Committee on Political Subdivisions then Technology and Infrastructure.

**By Delegate Walker:**

**H. B. 3112** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-11-1, relating to the creation of the Emergency Supplemental Victims Service Fund"; to the Committee on Finance.

**By Delegates Martin, Clark, Ferrell, Phillips, Hardy, Toney, Ellington, Barnhart, Tully, Mazzocchi and Howell:**

**H. 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 credit course of study in personal finance as a requirement for high school graduation"; to the Committee on Education.

**By Delegates Street, Gearheart, Kirby, Butler, Burkhammer, Chiarelli, Mazzocchi, Hillenbrand, Petitto, Willis and Brooks:**

**H. B. 3114** - "A Bill to amend and reenact §29-6-10, of the Code of West Virginia, 1931, as amended; relating to denying severance pay to probationary employees of Department of Transportation who are terminated for failing or refusing to submit to drug screens"; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Howell, Hanshaw (Mr. Speaker), Summers, Rohrbach, Kelly, Jeffries, Petitto, Dittman, Cannon, Foggin and Cooper:**

**H. B. 3115** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-2D-11a, relating to the development of a specialized intermediate care facility for individuals with intellectual and developmental disabilities that have acute behaviors that pose imminent risk to themselves and others"; to the Committee on Health and Human Resources then Finance.

**By Delegates Crouse, Jeffries, Lucas, Butler, Maynor, Longanacre, Mazzocchi, Petitto and Honaker:**

**H. B. 3116** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-66-1, and §16-66-2, relating to in-person visitation in in-patient and resident health care facilities; providing a short title; applicability; requiring certain health care providers to establish visitation policies and procedures within a specified timeframe; providing requirements for such policies and procedures; authorizing the resident, client, or patient to designate an essential caregiver; establishing requirements related to essential caregivers; requiring in-person visitation in certain circumstances; providing that the policies and procedures may require visitors to agree in writing to follow such policies and procedures; authorizing providers to suspend in-person visitation of specific visitors under certain circumstances; requiring providers to provide their policies and procedures to the Agency for Health Care Administration at specified times; requiring providers to make their policies and procedures available to the agency for review at any time, upon request; requiring providers to make their policies and procedures easily accessible from the homepage of their websites within a specified timeframe; requiring the agency to dedicate a stand-alone page on its website for specified purposes;

providing a directive to the Division of Law Revision; providing an effective date”; to the Committee on Health and Human Resources.

**By Delegates Crouse, Worrell, Dillon, Lucas, Butler, Maynor, Longanacre, Mazzocchi, Petitto and Honaker:**

**H. B. 3117** - “A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended, relating to removing the requirement for persons providing home instruction to obtain academic assessments for the children receiving home instruction”; to the Committee on Education.

**By Delegates Butler, Foster, Willis, Dean, Crouse, Dillon, Lucas, Kirby, Jeffries, Kimble and Cooper:**

**H. B. 3118** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-10-1, §49-10-2, and §49-10-3, all relating to codifying the Parents' Bill of Rights”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

**By Delegates Crouse, Foster, Butler, Longanacre, Mazzocchi, Cannon, Shamblin, Lucas, Petitto and Honaker:**

**H. B. 3119** - “A Bill to amend and reenact §8-15-8b of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-3-14d and §33-3-33 of said code, all relating to authorizing an expenditure of revenue from the Municipal Pension and Protection Fund and Fire Protection Fund”; to the Committee on Pensions and Retirement then Finance.

**By Delegate Adkins:**

**H. B. 3120** - “A Bill to amend and reenact §15A-3-16 of the Code of West Virginia, 1931, as amended, relating to funds for operations of jails under the jurisdiction of the Commissioner of Division of Corrections; requiring the commissioner to prepare a report on the feasibility of splitting the per diem costs for incarcerating inmates among the municipalities, counties, and the state; and determining when certain of these costs are paid by the state, including that the state pay the per diem costs for incarcerating inmates for counties with outstanding balances”; to the Committee on Jails and Prisons then the Judiciary.

**By Delegate Jennings:**

**H. B. 3121** - “A Bill to amend and reenact §15-5-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-11B-4 of said code; and to amend said code by adding thereto a new article, designated §60A-12-1, §60A-12-2, §60A-12-3, and §60A-12-4, all generally relating to be the ‘Stop Our Scourge Act of 2023’ or the ‘SOS Act of 2023’; designating illicit fentanyl as a weapon of mass destruction in order to marshal all the resources of the State of West Virginia lawfully authorized to protect and defend the citizens of the West Virginia from crime and threats to the public health, safety, and welfare to combat the scourge of illicit fentanyl in West Virginia”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Vance, Butler, Burkhammer, Longanacre, Dean, Kirby, Dillon, Nestor, Brooks, Toney and Cooper:**

**H. B. 3122** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5l, relating to permitting certain types of rifles using an encapsulated propellant charge that loads from the breech, with the bullet loaded from the muzzle, during any muzzleloader season; and providing an exception”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Dean, Toney, Longanacre, Horst, Worrell, Foggin, Foster and Bridges:**

**H. B. 3124** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-43, relating to permitting non-resident students enrolled at West Virginia colleges and universities to purchase their hunting, fishing, and trapping licenses at the residential rate"; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates Dean, Dillon, Jeffries, Kelly, Steele, Kirby, Toney, Reynolds, Vance, Longanacre and Worrell:**

**H. B. 3125** - "A Bill to amend and reenact §11A-1-17 of the Code of West Virginia, 1931, as amended, relating to allowing for a paid commission for sheriffs"; to the Committee on Finance.

**By Delegates Dean, Dillon, Foster, Jeffries, Steele, Kirby, Toney, Vance, Longanacre, Worrell and Foggin:**

**H. B. 3126** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-14-17f, relating to allotting counties the sum of \$5,000 per deputy position in that county to be used exclusively for deputy pay raises"; to the Committee on Political Subdivisions then Finance.

**By Delegates Mazzocchi, Longanacre, Martin, Crouse, Holstein, Ridenour, Kimble, Honaker, Street, Brooks and Warner:**

**H. B. 3127** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1, §7-28-2, §7-28-3, §7-28-4, §7-28-5, §7-28-6, §7-28-7, §7-28-8, §7-28-9, §7-28-10, §7-28-11, §7-28-12, all relating to requiring state entities, local entities and law enforcement agencies to cooperate with the enforcement of immigration laws; providing for definitions; requiring that entities and agencies not prohibit the enforcement of immigration laws or cooperation with other governmental agencies to enforce immigration laws; providing for complaint procedures; providing for mandatory duties regarding immigration detainees; providing for actions to ensure compliance; providing for ineligibility for state funds; providing for rulemaking authority for the State Auditor; providing for mandatory agreements; providing for the Attorney General to defend good-faith compliance under certain circumstances; providing for a civil cause of action for damages; providing for a duty to report and Whistle-Blower protections; providing for implementation; providing for prohibiting discrimination; and providing for severability"; to the Committee on the Judiciary.

**By Delegate Longanacre:**

**H. B. 3128** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-31, relating to requiring movie theaters in West Virginia to provide open captions for movies in order to accommodate those who are deaf or hard of hearing"; to the Committee on Health and Human Resources.

**By Delegates Zatezalo, Anderson, Holstein, Horst, Hott, Hansen, Fehrenbacher, Cooper, Howell, Martin and Young:**

**H. B. 3129** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-34-1, §22-34-2, §22-34-3, and §22-34-4, relating generally to establishing a design-build program for the Department of Environmental Protection; providing a short title; establishing a design-build pilot program; providing for an invitation for bids; and setting forth bid requirements"; to the Committee on Energy and Manufacturing then Technology and Infrastructure.

**Special Calendar****Third Reading**

**S. B. 143**, Relating to Adopt-A-Stream 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. 42**), and there were—yeas 90, nays none, absent and not voting 10, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Capito, Ellington, Griffith, Honaker, McGeehan, Riley, Skaff, Ward and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 143) passed.

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

**S. B. 231**, Transferring administration of WV Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program to Department of Economic Development; 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. 43**), and there were—yeas 90, nays none, absent and not voting 10, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Capito, Ellington, Griffith, Honaker, McGeehan, Riley, Skaff, Ward and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 231) passed.

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

On this question, the yeas and nays were taken (**Roll No. 44**), and there were—yeas 90, nays none, absent and not voting 10, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Capito, Ellington, Griffith, Honaker, McGeehan, Riley, Skaff, Ward and Williams.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 231) 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. 2221**, Relating to bankruptcy; 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. 45**), and there were—yeas 78, nays 12, absent and not voting 10, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Butler, Coop-Gonzalez, Fast, Foggin, Hanna, Hite, Hornby, Longanacre, Martin, Miller and Street.

Absent and Not Voting: Bridges, Capito, Ellington, Griffith, Honaker, McGeehan, Riley, Skaff, Ward and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2221) passed.

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

**Com. Sub. for H. B. 2221** - “A Bill to amend and reenact §38-10-4 of the Code of West Virginia, 1931, as amended, relating to bankruptcy; correcting an erroneous term; excluding life insurance proceeds paid to the debtor as a beneficiary; excluding any annuities, other than those annuities included in §38-10-4(i)(5), which are paid to the debtor as a beneficiary; creating certain limitations thereto; and excluding any annuities or life insurance policies owned by the debtor which are payable to someone other than the debtor, including any applicable cash surrender value, from attachment by creditors in a bankruptcy proceeding.”

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

**H. B. 2597**, Amending performance evaluations of professional personnel; 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. 46**), and there were—yeas 90, nays none, absent and not voting 10, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Capito, Ellington, Griffith, Honaker, McGeehan, Riley, Skaff, Ward and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2597) passed.

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

**H. B. 2597** – “A Bill to amend and reenact §18A-3C-2 of the Code of West Virginia, 1931, as amended, relating to performance evaluations of professional educational personnel; requiring that performance evaluations provide an explanation and data in support of any measure or criterion in which the employee is rated less than accomplished.”

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

**H. B. 2800**, All relating to authorizing legislative rules regarding higher education; 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. 47**), and there were—yeas 90, nays none, absent and not voting 10, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Capito, Ellington, Griffith, Honaker, McGeehan, Riley, Skaff, Ward and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2800) passed.

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

### **First Reading**

**Com. Sub. for S. B. 83**, Authorizing tactical medical professionals to carry firearms; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**S. B. 132**, Clarifying criminal offense of harassment; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 2017**, Relating to service of process in child abuse cases; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 2436**, Relating to the implementation of an acuity-based patient classification system; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 2509**, Creating the Uniform Premarital Agreement Act; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 2510**, To establish the Rare Earth Element and Critical Mineral Investment Tax Credit Act; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 2512**, Transferring the administration of the West Virginia Small Business Innovation Research (SBIR) and Small Business Technology Transfer (SBTT) Matching Funds Program from the Department of Commerce to the Department of Economic Development; on first reading, coming up in regular order, was reported by the Clerk.

On motion of Delegate Kelly, the bill was laid upon the table.

**Com. Sub. for H. B. 2569**, Establishing the Motorsport Responsibility Act; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 2596**, To modify when a nonresident student's transfer may be denied; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 2832**, Clarifying appropriate and inappropriate duties for school counselors while also providing the definition of a school counselor; on first reading, coming up in regular order, was reported by the Clerk.

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

**H. B. 2835**, Repeal outdated provisions of code relating to the West Virginia graduate college and Marshall University; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 2850**, Clarifying general education teachers' entitlements for the general education classroom that provide academic support for students identified as having an exceptionality whose least restrictive environment remains the general education classroom; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 2890**, Modifying student discipline; on first reading, coming up in regular order, was read a first time and ordered to second reading.

### **Leaves of Absence**

At the request of Delegate Kelly, and by unanimous consent, leaves of absence for the day were granted Delegates Bridges, Capito, Ellington, Griffith, Honaker, McGeehan, Riley, Skaff, Ward and Williams.

### **Miscellaneous Business**

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

- H. B. 2162**: Delegate Holstein;
- H. B. 2492**: Delegate Ridenour;
- H. B. 2566**: Delegate Holstein;
- H. B. 2617**: Delegate Holstein;
- H. B. 2636**: Delegate Holstein;
- H. B. 2798**: Delegates Bridges and Hall;
- H. B. 2942**: Delegate Mazzocchi;
- H. B. 2968**: Delegate Holstein;
- H. B. 2969**: Delegate Holstein;
- H. B. 3049**: Delegate Keaton;
- H. B. 3070**: Delegate Kump;
- H. B. 3075**: Delegate Martin;
- H. B. 3078**: Delegate Kump;
- H. B. 3102**: Delegate Kump;



And,

**H. B. 3120:** Delegate Kump.

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

**H. B. 2938:** Delegates Brooks and Steele.

At 10:05 a.m., the House of Delegates adjourned until 11:00 a.m., Monday, January 30, 2023.

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

## **SPECIAL CALENDAR**

**Monday, January 30, 2023**

**20<sup>th</sup> Day**

**11:00 A. M.**

### **SECOND READING**

- Com. Sub. for S. B. 83 - Authorizing tactical medical professionals to carry firearms (PHILLIPS) (REGULAR) [GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING]
- S. B. 132 - Clarifying criminal offense of harassment (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2017 - Relating to service of process in child abuse cases (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2436 - Relating to the implementation of an acuity-based patient classification system (SUMMERS) (REGULAR)
- Com. Sub. for H. B. 2509 - Creating the Uniform Premarital Agreement Act (CAPITO) (REGULAR)
- H. B. 2510 - To establish the Rare Earth Element and Critical Mineral Investment Tax Credit Act (HOWELL) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2569 - Establishing the Motorsport Responsibility Act (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2596 - To modify when a nonresident student's transfer may be denied (ELLINGTON) (REGULAR)
- H. B. 2835 - Repeal outdated provisions of code relating to the West Virginia graduate college and Marshall University (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2850 - Relating to students with exceptional needs (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2890 - Modifying student discipline (ELLINGTON) (REGULAR)

### **FIRST READING**

- S. B. 207 - Relating to state allocation of funding to regional councils (HOWELL) (REGULAR)
- H. B. 2613 - Relating to the administration of anesthetics (SUMMERS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2832 - Clarifying appropriate and inappropriate duties for school counselors while also providing the definition of a school counselor (ELLINGTON) (REGULAR)

Com. Sub. for H. B. 2870 - Correcting a reference relating to siting certificates for certain electric generating facilities (ANDERSON) (REGULAR)

Com. Sub. for H. B. 3061 - Relating to updating the authority of the Foster Care Ombudsman (SUMMERS) (EFFECTIVE FROM PASSAGE)

**HOUSE CALENDAR**

**Monday, January 30, 2023**

**20<sup>th</sup> Day**

**11:00 A. M.**

**(No Bills)**

**WEST VIRGINIA  
HOUSE OF DELEGATES**

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**MONDAY, JANUARY 30, 2023**

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

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**COMMITTEE ON GOVERNMENT ORGANIZATION  
1:00 PM – ROOM 215-E**

**COMMITTEE ON EDUCATION  
2:00 PM – ROOM 432-M**

**COMMITTEE ON THE JUDICIARY  
3:00 PM – ROOM 410-M**





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