

West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Sixth Legislature
First Regular Session

Held at Charleston
Published by the Clerk of the House



February 7, 2023
TWENTY-EIGHTH DAY

Tuesday, February 7, 2023

TWENTY-EIGHTH DAY

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

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

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

The Clerk proceeded to read the Journal of Monday, February 6, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Kimble announced that Com. Sub. for H. B. 2196, on Second Reading, Special Calendar, had been transferred to the House Calendar.

Committee Reports

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

Your Committee on Finance has had under consideration:

H. B. 2882, Making a supplemental appropriation to the Department of Economic Development,

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

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

Your Committee on Finance has had under consideration:

H. B. 2676, Authorizing the Division of Financial Institutions to promulgate a legislative rule relating to money transmission services,

H. B. 2677, Authorizing the Insurance Commission to promulgate a legislative rule relating to suitability in annuity transactions,

H. B. 2678, Authorizing the Insurance Commission to promulgate a legislative rule relating to pharmacy auditing entities and pharmacy benefit managers,

H. B. 2680, Authorizing the Lottery Commission to promulgate a legislative rule relating to West Virginia lottery sports wagering,

H. B. 2681, Authorizing the Tax Department to promulgate a legislative rule relating to Valuation of producing and reserve oil, natural gas liquids, and natural gas for ad valorem property tax purposes,

H. B. 2683, Authorizing the Tax Department to promulgate a legislative rule relating to Farm-to-Food Bank tax credit,

H. B. 2684, Authorizing the Tax Department to promulgate a legislative rule relating to property transfer tax,

H. B. 2685, Authorizing the Tax Department to promulgate a legislative rule relating to municipal sales and use tax administration,

And,

H. B. 2686, Authorizing the Tax Department to promulgate a legislative rule relating to personnel rule for the Tax Division,

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. 2676, H. B. 2677, H. B. 2678, H. B. 2680, H. B. 2681, H. B. 2683, H. B. 2684, H. B. 2685 and H. B. 2686) were each referred to the Committee on the Judiciary.

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. 2002, Relating to providing support for families,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2002 - "A Bill to amend and reenact §11-21-10a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-5K-7; and to amend said code by adding thereto a new article, designated §16-66-1, §16-66-2, and §16-66-3, all relating to providing support for families; increasing the adoption tax credit for tax years 2023 forward; defining terms; providing rulemaking authority to the tax commissioner; establishing eligibility of adopted children of West Virginia residents for early intervention services; establishing the West Virginia Mothers and Babies Pregnancy Support Program; defining terms; establishing which organizations are eligible for funding pursuant to the program; allowing bureau to contract with management agency to provide program services; and establishing requirements and responsibilities of a management agency,"

H. B. 2346, Declaring a shortage of qualified bus operators and allowing retired bus operators to accept employment,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2346 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-15a, relating to retired bus operators as substitutes in areas of critical need and shortage,"

And,

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

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3036 - "A Bill to amend and reenact §5B-2L-14 and §5B-2L-16 of the Code of West Virginia, 1931, as amended, all relating to the BUILD WV Act generally; removing the limit on the number of certified BUILD WV districts that may be certified in this state; and increasing the limit on aggregate sum of approved costs for all BUILD WV projects for any fiscal year,"

With the recommendation that the committee substitutes each do pass.

At the respective requests of Delegate Kimble, and by unanimous consent, the bills (Com. Sub. for H. B. 2002, Com. Sub. for H. B. 2346 and Com. Sub. for H. B. 3036) were each taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration:

H. B. 2682, Authorizing the Tax Department to promulgate a legislative rule relating to West Virginia Film Industry Investment Act,

And,

H. B. 2740, Authorizing the West Virginia Department of Economic Development to promulgate a legislative rule relating to Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program,

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. 2682 and H. B. 2740) were each referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

H. B. 2967, Expediting License Applications for active military members and veterans, and their spouses,

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

At the respective requests of Delegate Kimble, and by unanimous consent, the bill (H. B. 2967) was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Government Organization has had under consideration:

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

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2762 - "A Bill to amend and reenact §15A-11-5 of the Code of West Virginia, 1931, as amended, relating to requiring the State Fire Commission to propose rules relating to sprinkler protection; providing that buildings commencing construction after July 1, 2023, housing emergency fire, rescue, or ambulance services shall be protected throughout by approved automatic sprinkler systems; and exempting emergency services buildings meeting certain criteria that only house equipment and do not have sleeping areas or quarters within them from the requirement,"

And,

H. B. 3130, Creating the Coalfields Energy Research and Economic Development Authority,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3130 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2N-1, §5B-2N-2, §5B-2N-3, §5B-2N-4, §5B-2N-5, and §5B-2N-6, all relating to creating the West Virginia Coalfields Energy Research and Economic Development Authority; establishing a declaration of purpose; establishing the exercise of powers shall benefit the citizens of the state and the Authority will perform essential government functions; exempting the Authority from taxation; providing for certain definitions; providing for the Authority's composition, terms of appointment, compensation of members, compensation of expenses and costs, and removal of members; providing for the Authority's powers and duties; mandating reporting; and providing confidentiality for certain information,"

With the recommendation that the committee substitutes each do pass.

At the respective requests of Delegate Kimble, and by unanimous consent, the bills (Com. Sub. for H. B. 2762 and Com. Sub. for H. B. 3130) were each taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration:

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

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

And,

H. B. 2970, Creating the equitable right to expungement,

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

At the respective requests of Delegate Kimble, and by unanimous consent, the bills (H. B. 2548, H. B. 2599 and H. B. 2970) were each taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2218, Distracted Driving Act,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2218 - "A Bill to amend and reenact §17C-14-15 of the Code of West Virginia, 1931, as amended, relating to distracted driving; increasing the scope of prohibitions on distracted driving by establishing the Electronically Distracted Driving Act; defining terms; providing exclusions from those terms; providing limitations for the use of wireless telecommunications devices; providing guidelines for safe operation of a vehicle; prohibiting certain actions by all drivers; prohibiting certain actions by commercial drivers; providing each violation of this code section shall constitute a separate offense; providing penalties for violations of these provisions; providing exceptions; providing that the provisions of this section do not supersede other provisions of this code or any more restrictive provisions for drivers of commercial motor vehicles; and establishing a naming provision for changes made in the 2023 Legislative session,"

H. B. 2621, Relating generally to bail bondsman,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2621 - "A Bill to amend and reenact §51-10-1 and §51-10-8 of the Code of West Virginia, 1931, as amended, all relating to professional bondsmen in criminal cases; definitions of "approved securities" and "bondsman"; and requiring the Insurance Commissioner to formulate testing and continuing education requirements for all applicants and license renewals,"

And,

H. B. 3145, Recognizing the Commission on Uniform State Laws as a presumptive provider of continuing legal education,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3145 - "A Bill to amend and reenact §29-1A-2 of the Code of West Virginia, 1931, as amended, relating to requesting the Supreme Court of Appeals adopt a rule providing the Commission on Uniform State Laws shall be deemed a presumptive provider of

continuing education and session attendance at its annual meeting shall be deemed continuing education credit for commissioners,”

With the recommendation that the committee substitutes each do pass.

Messages from the Executive

A communication from His Excellency, the Governor, advised that on February 6, 2023, he approved **S. B. 132, S. B. 143 and S. B. 231.**

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. 2835, Repeal outdated provisions of code relating to the West Virginia graduate college and Marshall University.

A message from the Senate, by

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

Com. Sub. for S. B. 188 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2N-1, §5B-2N-2, §5B-2N-3, and §5B-2N-4; to amend said code by adding thereto a new section, designated §22-5-11b; and to amend and reenact §22B-1-7 of said code, all relating to the Grid Stabilization and Security Act of 2023; providing for a short title; making legislative findings and declarations; identifying economically viable sites for natural gas electric generation projects; establishing criteria for identifying economically viable sites; requiring Secretary of Department of Economic Development to notify the Department of Environmental Protection and the Public Service Commission of sites designated as economically viable for natural gas electric generation facility; providing for application for a siting certificate to Public Service Commission and final order on application within a certain time period; clarifying that Public Service Commission jurisdiction is not modified; requiring collection of additional data for modeling if necessary; requiring construction and operating permits for natural gas electric generation facilities; providing for expedited consideration of permit application; and requiring administrative review board to hold hearing and issue decision on natural gas electric generation facility permit appeal within a certain period of time”; which was referred to the Committee on Economic Development and Tourism.

A message from the Senate, by

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

Com. Sub. for S. B. 232 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §27-6A-12, relating to creating a multi-disciplinary study group to make recommendations regarding the diversion of persons with mental illness, developmental disabilities, substance abuse problems, and other disabilities from the criminal justice system; setting forth findings; listing the membership makeup of the study group; promoting appropriate interventions and placements for inmates and persons with disabilities; developing a plan to coordinate care, treatment, and placement for persons with disabilities in the

criminal justice system and in the community; directing a report be made to Legislature on or before November 30, 2023; authorizing per diem expenses for nongovernmental members”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 463 – “A Bill to amend and reenact §17E-1-9 of the Code of West Virginia, 1931, as amended, relating to increasing the validity of a commercial driver’s license instruction permit”; which was referred to the Committee on Technology and Infrastructure.

Resolutions Introduced

The following resolutions were introduced and severally referred as follows:

By Delegates Young, Cannon, Clark, Crouse, Dean, DeVault, Dittman, Ellington, Fluharty, Foggin, Garcia, Gearheart, Griffith, Heckert, Hillenbrand, Honaker, Hornbuckle, Howell, Jennings, Keaton, Kirby, Linville, Longanacre, Lucas, Mallow, Marple, Miller, E. Pritt, Pushkin, Riley, Ross, Rowe, Sheedy, Statler, Thorne, Toney, Vance, Warner, Williams, Willis and Zatezalo:

H. C. R. 19 – “Declaring the ‘pepperoni roll’ to be the official State Food of West Virginia”; to the Committee on Government Organization then Rules.

And,

By Delegates Young and Walker:

H. C. R. 20 – “Requesting the establishment of the Appalachian Dialect Act. The Act would require the addition of this dialect to the Departmental, Statistical, and General Information section of the state Blue Book between pages 1050 and 1051”; to the Committee on Education then Rules.

Bills Introduced

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

By Delegates Hanshaw (Mr. Speaker), Street, Zatezalo, Ward, Fluharty, Phillips, McGeehan and Howell:

H. B. 3307 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-36-1, §29-36-2, §29-36-3, §29-36-4, §29-36-5, §29-36-6, and §29-36-7; all relating to establishing the West-Virginia Ireland Trade Commission; proposing findings; providing for the composition of the Commission, appointment of members and filling of vacancies; providing for compensation of the Commission members; its meetings, selection of a chair, maintenance of records and what constitutes a quorum; delineating the purpose of the Commission; prescribing reports be generated by Commission; providing for acceptance of funds by Commission; and providing an effective date”; to the Committee on Economic Development and Tourism.

By Delegates Criss, Hardy, Householder, Storch, Ferrell, Howell, Reynolds, Anderson, Gearheart, Zatezalo and Espinosa:

H. B. 3308 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-4h, relating to authorizing the Public Service Commission of West Virginia to consider and authorize the recovery of certain costs by certain utilities through the issuance of consumer rate relief bonds; providing legislative findings; providing definitions; providing application process for financing order authorizing the recovery of certain costs; requiring certain information in application for financing order; providing for issuance of financing order and information contained therein; allowing for disposition of consumer rate relief property; providing for the effect and term of financing order; providing for subsequent Public Service Commission proceedings and limits on commission authority; providing for duties of certain utilities; providing for application of adjustment mechanism and filing of schedules with commission; providing for nonbypassability of consumer rate relief changes; providing consequences and procedures for utility default; providing for requirements and obligations of successors to certain utilities; providing for security interest in consumer rate relief property and transfer and sale of same; providing for limitation on taxation of consumer rate relief charges and exemption thereto; providing that consumer rate relief bonds are not debt of governmental entities or a pledge of taxing power; providing utility consumer rate relief bonds as legal investment; providing for certain pledge of state; providing for governing law; providing for severability and non-utility status; requiring that utilities must obtain consent and approval from the Public Service Commission prior to retiring, abandoning, closing, or otherwise permanently rendering incapable of operating certain plants or units, and providing for continued viability of certain bonds"; to the Committee on Finance.

By Delegates Fluharty, Walker, Young, Hornbuckle and Skaff:

H. B. 3309 - "A Bill to amend and reenact §48-12-101 of the Code of West Virginia, 1931, as amended, by including expenses associated with the pregnancy and birth of the child as payable medical expenses for a non-custodial parent as part of child support award"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Fluharty, Riley, Cannon and Hornbuckle:

H. B. 3310 - "A Bill to amend and reenact §29-22D-15 of the Code of West Virginia, 1931, as amended, relating to banning certain persons from sport wagering activities"; to the Committee on the Judiciary.

By Delegates Hornby, Phillips, Westfall, Willis, Hardy, Chiarelli, Maynor, Dean, Hite, Espinosa and McGeehan:

H. B. 3311 - "A Bill to amend and reenact §60-8-2 of the Code of West Virginia, 1931, as amended, relating to increasing the alcohol limit on table wine from 14% to 15% to be comparable to beer as otherwise provided for in the code"; to the Committee on Government Organization.

By Delegates Dean, Vance, Mazzocchi, Dillon, Skaff, A. Hall, Ross, Chiarelli, Shamblin, Holstein and Bridges:

H. B. 3312 - "A Bill to amend and reenact §11-13A-6a of the Code of West Virginia, 1931, as amended, relating to providing that all coal severance tax shall be provided to the county that produced the coal"; to the Committee on Finance.

By Delegates Phillips, Martin, Fast, Nestor, Hornby and Barnhart:

H. B. 3313 - "A Bill to amend and reenact §7-1-3ff and §7-1-3kk of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §7-1-3zz; to amend and reenact §7-1-14 of said code; and to amend and reenact §19-19-2 of said code, all relating generally to clarifying the limit of authority of county commissions as it relates to

regulation of agricultural production operations”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Statler and Toney:

H. B. 3314 - “A Bill to amend and reenact §7-22-12 of the Code of West Virginia, 1931, as amended, relating to the rate or rates of a special district excise tax levied by county commissions”; to the Committee on Economic Development and Tourism then Finance.

By Delegates Cooper and Heckert:

H. B. 3315 - “A Bill to amend and reenact §15-1B-25 of the Code of West Virginia, 1931, as amended, relating generally to readiness enhancement and commission bonuses”; to the Committee on Veterans' Affairs and Homeland Security then Finance.

By Delegates Heckert, Foggin, Anderson, Hott, Riley, Zatezalo, Hillenbrand, Adkins, Marple and Cooper:

H. B. 3316 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-15-1, §15-15-2, §15-15-3, §15-15-4, §15-15-5, §15-15-6, §15-15-7, §15-15-8, §15-15-9, §15-15-10, §15-15-11, and §15-15-12, all relating to the creation of a Domestic Violence Registry”; to the Committee on the Judiciary.

By Delegates Summers and Tully:

H. B. 3317 - “A Bill to amend and reenact §30-1-7a of the Code of West Virginia, 1931, as amended, relating to removing specific continuing education requirements”; to the Committee on Health and Human Resources.

By Delegate McGeehan:

H. B. 3318 - “A Bill to amend and reenact §5B-2B-4 of the Code of West Virginia, 1931, as amended, relating to location of services provided by the Workforce Development Board as related to the one-stop delivery system”; to the Committee on Government Organization.

By Delegate Burkhammer:

H. B. 3319 - “A Bill to amend and reenact §11A-1-17 of the Code of West Virginia, 1931, as amended, relating to sheriff’s commission for collection of taxes”; to the Committee on Political Subdivisions then Finance.

By Delegates E. Pritt, Hansen, Garcia, Williams, Griffith, Fluharty, Skaff, Rowe, Walker, Pushkin and Young:

H. B. 3320 - “A Bill to amend and reenact §62-12-9 of the Code of West Virginia, 1931, as amended relating to requiring that the Division of Corrections provide each probationer with physical copies of their birth certificate and Social Security Administration card upon release from a facility”; to the Committee on Jails and Prisons then Finance.

By Delegates Howell, Thorne, Storch, Ferrell, Heckert, Clark, Chiarelli, Holstein, Keaton, Toney and Horst:

H. B. 3321 - “A Bill to amend and reenact §8-13-5 of the Code of West Virginia, 1931, as amended relating to limiting the imposition of municipal business and occupation taxes”; to the Committee on Finance.

By Delegates Howell, Clark, Zatezalo, Storch, Ferrell, Chiarelli, Holstein, Cannon, Hanna, Keaton and Toney:

H. B. 3322 - "A Bill to amend and reenact §11-13A-6a of the Code of West Virginia, 1931, as amended, relating to providing that the first \$100,000 of income filed jointly, or the first \$50,000 filed individually, is exempt from the tax on social security"; to the Committee on Finance.

By Delegate E. Pritt:

H. B. 3323 - "A Bill to amend and reenact §17B-2-1 of the Code of West Virginia, 1931, as amended, relating to providing a means by which applicants for driver's licenses or identification certificates who do not have permanent addresses may obtain a driver's license or identification certificate; provide for auditing of the addresses permitted by the Department of Motor Vehicles; listing cancellation standards; and providing a fee waiver for those applicants with no permanent address"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Kirby, Foster and Foggin:

H. B. 3324 - "A Bill to amend and reenact §11-14C-5 of the Code of West Virginia, 1931, as amended, relating to reducing the state gasoline tax"; to the Committee on Technology and Infrastructure then Finance.

By Delegates Kirby, Foggin, Crouse, Steele, Chiarelli and Foster:

H. B. 3325 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-5-37, relating to requiring pharmacists to dispense medication from an authorized prescriber except when pharmacist has good faith belief prescription is fraudulent or prohibited by law"; to the Committee on Health and Human Resources.

By Delegates Linville and Summers:

H. B. 3326 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-11-1, §9-11-2, §9-11-3, §9-11-4, and §9-11-5, all relating to creating a Privacy of Social Care Information Act; providing a statement of legislative intent; setting forth definitions; clarifying applicability; providing for use of data; and describing article's relation to other privacy laws"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Foster:

H. B. 3327 - "A Bill to amend and reenact §8-13-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-13-32, all relating to setting a limit on the amount of fees that may be collected by third party vendors or contractors who collect business and occupation taxes on behalf of a city or municipality"; to the Committee on Finance.

By Delegates Howell, Dean, Heckert and Zatezalo:

H. B. 3328 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-14-13, relating to allowing the Hatfield-McCoy Regional Recreation Authority to contract to build and maintain trails on private property with the consent of the property owner"; to the Committee on Economic Development and Tourism.

Special Calendar

Third Reading

S. B. 4, Creating Adopt-A-Trail volunteer programs for public land under DNR jurisdiction; 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. 81**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Smith.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 4) passed.

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

H. B. 2611, To remove certain territorial limitations on a banking institution's ability to offer messenger services or mobile banking facilities; 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. 82**), 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: Smith and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2611) passed.

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

Com. Sub. for H. B. 2789, Removing birthing centers from certificate of need; 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. 83**), and there were—yeas 73, nays 26, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Cannon, Capito, Chiarelli, Criss, Ferrell, Hanna, Hansen, Holstein, Hornbuckle, Hornby, Hott, Keaton, Kirby, Martin, Maynor, Nestor, Reynolds, Rowe, Sheedy, Steele, Storch, Vance, Walker, Ward, Westfall and Willis.

Absent and Not Voting: Smith.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2789) passed.

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

On this question, the yeas and nays were taken (**Roll No. 84**), and there were—yeas 84, nays 14, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Chiarelli, Ferrell, Hanna, Hansen, Hott, Kirby, Martin, Nestor, Rowe, Steele, Vance, Walker, Ward and Westfall.

Absent and Not Voting: Cooper and Smith.

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. 2789) 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. 3055, To create a vocational math class for students interested in careers in the trades.; 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. 85**), 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: Cooper, Smith and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3055) passed.

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

Second Reading

S. B. 241, Relating to Patient Brokering Act; on second reading, coming up in regular order, was read a second time.

An amendment was recommended by the Committee on Health and Human Resources, and adopted, on page 2, line 27, by striking subsection (c) in its entirety and inserting a new subsection (c) to read as follows:

“(c) The Office of the Inspector General shall develop a tool that facilitates the submission of complaints. The Office of the Inspector General shall investigate complaints and enforce the provisions of this article.”

The bill was then ordered to third reading.

First Reading

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

Com. Sub. for H. B. 2845, Relating to removing expired provisions from the code,

Com. Sub. for H. B. 3077, Relating to making the use of the multi-state real time tracking system permanent,

Com. Sub. for H. B. 3164, To extend the termination date of the West Virginia Advisory Council on Rare Diseases due to a delay in beginning its duties,

And,

Com. Sub. for H. B. 3191, Relating to certain facilities operated by the state government to obtain a license.

Leaves of Absence

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

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. 2218: Delegates Fast, Fluharty, Kelly, Kump and Warner;

H. B. 2566: Delegate Riley;

H. B. 2839: Delegate Riley;

H. B. 2861: Delegate Riley;

H. B. 3018: Delegates Chiarelli and Crouse;

H. B. 3075: Delegate Riley;

H. B. 3153: Delegates Dean, Ferrell, Reynolds and Sheedy;

H. B. 3226: Delegate E. Pritt;

H. B. 3272: Delegates Espinosa ad Riley;

H. B. 3284: Delegate Riley;

And,

H. B. 3309, Delegate Pushkin.

At 12:47 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, February 8, 2023.

SPECIAL CALENDAR

Wednesday, February 8, 2023

29th Day

11:00 A. M.

THIRD READING

S. B. 241 - Relating to Patient Brokering Act (SUMMERS) (EFFECTIVE FROM PASSAGE)

SECOND READING

- Com. Sub. for H. B. 2002 - Relating to providing support for families (CRISS) (REGULAR)
- Com. Sub. for H. B. 2346 - Declaring a shortage of qualified bus operators and allowing retired bus operators to accept employment (CRISS) (REGULAR)
- H. B. 2548 - Relating to temporary identification cards for released inmates (CAPITO) (REGULAR)
- H. B. 2599 - Creating the utility pole rights of way and easement mapping initiative (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2762 - Allowing variance in state fire code for certain buildings used solely for emergency equipment storage (PHILLIPS) (REGULAR)
- Com. Sub. for H. B. 2845 - Relating to removing expired provisions from the code (SUMMERS) (REGULAR)
- H. B. 2967 - Expediting License Applications for active military members and veterans, and their spouses (PHILLIPS) (REGULAR)
- H. B. 2970 - Creating the equitable right to expungement (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3036 - Increasing the number of districts and the limit on approved costs under the BUILD WV Act (CRISS) (REGULAR)
- Com. Sub. for H. B. 3077 - Relating to making the use of the multi-state real time tracking system permanent (SUMMERS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 3130 - Creating the Coalfields Energy Research and Economic Development Authority (PHILLIPS) (REGULAR)
- Com. Sub. for H. B. 3164 - To extend the termination date of the West Virginia Advisory Council on Rare Diseases due to a delay in beginning its duties (SUMMERS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 3191 - Relating to certain facilities operated by the state government to obtain a license (SUMMERS) (EFFECTIVE FROM PASSAGE)

FIRST READING

- Com. Sub. for H. B. 2218 - Distracted Driving Act (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2621 - Relating generally to bail bondsman (CAPITO) (REGULAR)
- H. B. 2882 - Making a supplemental appropriation to the Department of Economic Development (CRISS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 3145 - Recognizing the Commission on Uniform State Laws as a presumptive provider of continuing legal education (CAPITO) (REGULAR)

HOUSE CALENDAR

Wednesday, February 8, 2023

29th Day

11:00 A. M.

SECOND READING

- Com. Sub. for H. B. 2017 - Relating to service of process in child abuse cases (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2196 - To remove opioid treatment programs from requiring a certificate of need (SUMMERS) (EFFECTIVE FROM PASSAGE)
- 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. 2832 - Clarifying appropriate and inappropriate duties for school counselors while also providing the definition of a school counselor (ELLINGTON) (REGULAR)

WEST VIRGINIA HOUSE OF DELEGATES

WEDNESDAY, FEBRUARY 8, 2023

HOUSE CONVENES AT 11:00 A.M.

**VETERANS' AFFAIRS AND HOMELAND SECURITY
9:00 AM – ROOM 215-E**

**POLITICAL SUBDIVISIONS
9:15 AM – ROOM 410-M**

**FIRE DEPARTMENTS AND EMERGENCY MEDICAL SERVICES
9:15 AM – ROOM 460-M**

**COMMITTEE ON RULES
10:45 AM – BEHIND CHAMBER**

**COMMITTEE ON FINANCE
1:00 PM – ROOM 460-M**

**COMMITTEE ON THE JUDICIARY
1:00 PM – ROOM 410-M**

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

**COMMITTEE ON GOVERNMENT ORGANIZATION
3:00 PM – ROOM 215-E**

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