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FIFTY-SEVENTH DAY

Wednesday, March 8, 2023

FIFTY-SEVENTH 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 Tuesday, March 7, 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 Householder announced that S. B. 467, on First Reading, Special Calendar, had been transferred to the House Calendar; and Com. Sub. for S. B. 121 and S. B. 533, on First Reading, House Calendar, had been transferred to the Special Calendar.

Committee Reports

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

Your Committee on Finance has had under consideration:

H. B. 2883, Making a supplemental appropriation from the Coronavirus State Fiscal Recovery Fund,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2883 - "A Bill supplementing and amending Chapter eleven, 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 federal moneys remaining unappropriated, to the Executive, Governor's Office, Coronavirus State Fiscal Recovery Fund, fund 8823, fiscal year 2023, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Finance has had under consideration:

S. B. 443, Directing payment of estate administration fee to State Auditor,

S. B. 444, Transferring moneys in WV Future Fund to General Revenue Fund,

Com. Sub. for S. B. 579, Providing payment to vendors who provided services to state,

And,

S. B. 678, Adding appropriations to DHHR, Division of Human Services,

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

At the respective requests of Delegate Householder, and by unanimous consent, the bills (S. B. 443, S. B. 444, Com. Sub. for S. B. 579 and S. B. 678) were taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration:

Com. Sub. for S. B. 522, Allocating percentage of county excise taxes for funding improvements to election administration,

And,

Com. Sub. for S. B. 561, Relating to administration of WV Drinking Water Treatment Revolving Fund Act,

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

At the respective requests of Delegate Householder, and by unanimous consent, the bills (Com. Sub. for S. B. 522 and Com. Sub. for S. B. 561) were taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration:

S. B. 446, Removing methanol and methanol fuel from definition of special fuel,

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

At the respective requests of Delegate Householder, and by unanimous consent, the bill (S.B. 446) was 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:

Com. Sub. for S. B. 247, Making administrative appeals and judicial review of board action subject to provisions of Administrative Procedures Act,

Com. Sub. for S. B. 258, Eliminating ceiling on fair market value of consumer goods and permitting dealer to require security deposit,

Com. Sub. for S. B. 302, Relating to Law Enforcement Safety Act,

S. B. 508, Clarifying reporting and disclosure requirements for grassroots lobbying expenditures,

Com. Sub. for S. B. 516, Relating to requirements for disclosure of donor contributions,

Com. Sub. for S. B. 568, Relating to Dangerousness Assessment Advisory Board,

And,

Com. Sub. for S. B. 631, Updating administration, funding, and requirements for federal elections held in WV,

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

At the respective requests of Delegate Householder, and by unanimous consent, the bills (Com. Sub. for S. B. 247, Com. Sub. for S. B. 258, Com. Sub. for S. B. 302, S. B. 508, Com. Sub. for S. B. 516, Com. Sub. for S. B. 568 and Com. Sub. for S. B. 631) were taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration:

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

Com. Sub. for S. B. 469, Providing funding for CPR instruction to high school students,

And,

Com. Sub. for S. B. 523, Clarifying purpose and use of Economic Development Project Fund,

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

At the respective requests of Delegate Householder, and by unanimous consent, the bills (Com. Sub. for S. B. 47, Com. Sub. for S. B. 469 and Com. Sub. for S. B. 523) were taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration:

Com. Sub. for S. B. 293, Increasing fees charged by sheriff,

Com. Sub. for S. B. 593, Mandating cost of living salary adjustment policy for state employees,

Com. Sub. for S. B. 677, Clarifying role and responsibilities of State Resiliency Officer,

S. B. 737, Emergency Medical Services Act,

And,

S. B. 740, Relating to compensation and expense reimbursement for members of Legislature,

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

At the respective requests of Delegate Householder, and by unanimous consent, the bills (Com. Sub. for S. B. 293, Com. Sub. for S. B. 593, Com. Sub. for S. B. 677, S. B. 737 and S. B. 740) were taken up for immediate consideration, read a first time, and ordered to second reading.

On motion for leave the following resolutions were introduced (Originating in the Committee on Economic Development and Tourism and reported with the recommendation that they each be adopted, but that they first be referred to the Committee on Rules), which were read by their titles, as follows:

By Delegate Storch:

H. C. R. 76 - "Requesting That the Joint Committee on Government and Finance engage in a study concerning the feasibility of creating regional intra-state tourism districts for the purpose tailoring tourism development to the specifics of such regions,"

And,

By Delegate Storch:

H. C. R. 77 - "Requesting That the Joint Committee on Government and Finance engage in a study concerning the tourism related infrastructure and workforce issues post-COVID-19 pandemic in West Virginia."

The Speaker referred the resolutions (H. C. R. 76 and H. C. R. 77) to the Committee on Rules.

On motion for leave the following resolutions were introduced (Originating in the Committee on Economic Development and Tourism and reported with the recommendation that they each be adopted, but that they first be referred to the Committee on Rules), which was read by their title, as follows:

By Delegate Howell:

H. C. R. 70 - "Requesting That the Joint Committee on Government and Finance commission a study by the Department of Economic Development to assess whether municipality and/or county selective regulation of short-term rental properties is violating constitutionally guaranteed private property and contract rights and if so, whether there is necessity for state legislation to prevent such unconstitutional violations by municipalities and/or counties from such violation of constitutionally guaranteed private property and contract rights,"

By Delegate Howell:

H. C. R. 73 - "Requesting that the Joint Committee on Government and Finance commission a study by the Department of Economic Development to assess whether amending the state tax code to provide state tax incentives to off-set federal excise taxes placed upon tire manufacturing,

sport fishing equipment manufacturing, bow, quiver, broadhead, and point manufacturing, arrow shaft manufacturing, vaccine manufacturing, feed stock manufacturing, fuel refinery manufacturing and/or any other type of manufacturing not currently producing in West Virginia would raise the likelihood of new investment in such manufacturing in West Virginia,”

By Delegate Howell:

H. C. R. 74 - “Requesting That the Joint Committee on Government and Finance commission a study by designated representatives of the West Virginia Legislature and the Department of Economic Development to assess whether the Code of West Virginia, 1931, as amended, contains outdated, excessive, superfluous, dysfunctional or unnecessary provisions which stifle innovation, impede market entry by private entrepreneurs, disincentivize investment and preclude the maximization of the productive potential of free enterprise and, if so, to identify such provisions for recommended repeal by the West Virginia Legislature,”

And,

By Delegate Howell:

H. C. R. 75 - “Requesting That the Joint Committee on Government and Finance engage in a study concerning the construction of welcome centers on roads that are part of the Appalachian Development Highways System and other scenic four lane highways and whether such welcome centers would benefit economic development opportunities for tourism in West Virginia.”

The Speaker referred the resolutions (H. C. R. 70, H. C. R. 73, H. C. R. 74 and H. C. R. 75) to the Committee on Rules.

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. 489, Requiring BOE provide free feminine hygiene products in certain grades,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, and with the recommendation that second reference to the Committee on Finance be dispensed with.

In accordance with the former direction of the Speaker, the bill (S. B. 489) was referred to the Committee on Finance.

Delegate Householder asked unanimous consent to return to further consideration of **Com. Sub. for H. B. 2883**, and that it be taken up for immediate consideration and read a first time, which consent was not given, objection being heard.

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

The bill (Com. Sub. for H. B. 2883) was read a first time, and ordered to second reading.

Messages from the Executive

Communication from His Excellency, the Governor, advised that on March 7, 2023, he approved **Com. Sub. for H. B. 2526**, **H. B. 3272** and **S. B. 609**.

Communication from the Clerk of the Senate to His Excellency, the Governor, advised that S. B. 131, Com. Sub. for S. B. 188, S. B. 246, Com. Sub. for S. B. 430, Com. Sub. for S. B. 490, S. B. 510, Com. Sub. for S. B. 526, S. B. 591, Com. Sub. for S. B. 594 and S. B. 679 were presented to the Governor on March 8, 2023.

The Clerk announced that H. B. 3519, H. B. 3520, H. B. 3521, H. B. 3522, H. B. 3523, H. B. 3527 and H. B. 3528 were presented to the Governor on March 8, 2023.

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. 2569, Establishing the Motorsport Responsibility Act.

Delegate Householder moved that the House of Delegates concur 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 19. MOTORSPORT RESPONSIBILITY ACT.

§20-19-1. Legislative purposes.

The West Virginia Legislature finds that motorsport activities are engaged in by a large number of citizens of West Virginia and that such activities also attract to West Virginia a large number of nonresidents, significantly contributing to the economy of West Virginia. Since it is recognized that there are inherent risks in motorsport activities which should be understood by participants therein and which are essentially impossible for the operators of motorsport businesses to eliminate, it is the purpose of this article to define those areas of responsibility and those affirmative acts for which the operators of motorsport businesses shall be liable for loss, damage, or injury suffered by participants, and to further define those risks which the participants expressly assume and for which there can be no recovery. It is the intent of the Legislature to expand the liability protections afforded with respect to motorsports and to not eliminate any other liability protections that may be available under statutory or common law.

§20-19-2. Definitions.

In this article, unless a different meaning plainly is required:

(1) ‘Driver training’ means qualified instruction to enhance a vehicle operator's ability to learn vehicle control, provided by a motorsport facility.

(2) ‘Lessee’ means any qualified person or organization with the necessary licenses and liability insurance meeting the motorsport operator's lease requirements to operate a motorsport facility.

(3) 'Motorized vehicle' means an automobile, motorcycle, or any other vehicle propelled by power, other than muscular power, used to transport persons and which operates within the confines of a motorsport facility.

(4) 'Motorsport activities' means driver training, vehicle storage, competitive racing, non-competitive driving events, exhibitions of speed, fairs or shows using motorized vehicles, or other forms of recreation involving the use of motor vehicles, including motorcycles.

(5) 'Motorsport facility' means a speedway or racetrack designed and intended for motorsport activities.

(6) 'Motorsport operator' means any person, partnership, corporation, lessee, or other organization, or any combination thereof offering motorsport activities.

(7) 'Participant' means any person or organization using the services of a motorsport facility including, but not limited to, spectators, vehicle operators using either their own personally owned vehicle or a vehicle owned by the motorsport facility, or vehicle passengers using either their own personally owned vehicle or a vehicle owned by the motorsport facility.

(8) 'Spectator area' means a specified area within a motorsport facility intended for admission to the general public, whether or not an admission price is charged, or to which admitted persons of the general public have unrestricted access, including the grandstands and other general admission seating or viewing areas.

§20-19-3. Duties of motorsport operators.

(a) Every motorsport operator shall:

(1) Mark for identification purposes all equipment and vehicles used in the business;

(2) Maintain all equipment and vehicles used in the offering of motorsport activities in such condition that the equipment and vehicles are safe to operate or use as intended and recommended by the manufacturer;

(3) Provide facilities, equipment, and services conforming to safety and other requirements established by the rules promulgated by the Department of Economic Development;

(4) Provide or prepare facilities, equipment, and services for motorsports use as advertised or as agreed to by the motorsport operator and the participant;

(5) Procure and maintain commercial general liability insurance against claims for personal injury, death, and property damages occurring upon, in, or about the motorsport facility which affords protection to the limit of not less than \$1 million for injury or death of a single person, to the limit of \$2 million in the aggregate, and to the limit of not less than \$50,000 for property damage; and

(6) Maintain records for a period of at least three years from the date of the creation of the record of:

(A) Proof of insurance;

(B) Inspection reports;

(C) Maintenance records; and

(D) Participant acknowledgement of risks and duties.

§20-19-4. Duties of motorsport participants.

(a) All participants:

(1) Shall comply with the rules or regulations established for use by the motorsport operator;

(2) Shall wear all safety equipment as recommended by the motorsport operator, or which might otherwise be required by law;

(3) Shall obey all rules or instructions announced by the motorsport operator with regard to the safe operation of the motorized vehicle he or she is operating;

(4) Shall, as to the motorsport operator, expressly assume the risk of and legal responsibility for any injury, loss, or damage to person or property which results from participation in operating a motorized vehicle, and caused by any of the following:

(A) Variations in terrain, slope, or angle of terrain including elevation changes;

(B) Surface or subsurface conditions including, but not limited to, rocks or debris;

(C) Turns in the racetrack; and

(D) Collisions with retaining walls, tire walls, trees, fences, other vehicles, or any property provided by the motorsport operator.

(b) Each participant shall have the sole individual responsibility for:

(1) Knowing the range of his or her ability to negotiate the course of the motorsport facility;

(2) Operating the motorized vehicle within the limits of the participant's own ability;

(3) Heeding all posted warnings;

(4) Operating only within the designated area and designated times as provided by the motorsport operator; and

(5) Refraining from acting in a manner which a reasonable person would believe to be likely to cause or contribute to the injury of any person.

§20-19-5. Liability of motorsport operators.

(a) A motorsport operator is liable for injury, loss, or damage caused by failure to follow the duties set forth in §20-19-3 of this code where the violation of duty is the proximate cause of the injury, loss, or damage suffered.

(b) A motorsport operator is not liable for any injury, loss, or damage to the extent caused by the negligence of any person who is not an agent or employee of the motorsport operator.

(c) A motorsport operator is not liable for any injury, loss, or damage to the extent caused by a participant's violation of any duty described in §20-19-4 of this code.

§20-19-6. Liability of motorsport participants.

(a) A participant is not liable for any injury, loss, or damage resulting from violations of the duties established in §20-19-4 of this code where the violation of the duty constitutes simple negligence on the part of the participant, or where the injury, loss, or damage is a result of the risks inherent in motorsports.

(b) A participant is liable for injury, loss, or damage resulting from violations of the duties established in §20-19-4 of this code where the violation of the duty constitutes gross negligence, willful and wanton conduct, or intentional acts on the part the participant, and is the proximate cause of the injury, loss, or damage suffered.

§20-19-7. Rules.

The Department of Economic Development shall promulgate rules pursuant to §29A-1-1 *et seq.* of this code, with respect to motorsport facilities operating in the state, which shall include at a minimum: (a) Safety requirements for equipment; (b) safety requirements for the design of racing surfaces; (c) safety requirements for the provision of run-off areas; (d) requirements for fire and emergency services; and (e) requirements for signage. The rules shall be promulgated and designed for the purpose of developing motorsport facilities as a recreational activity and additional tourist attraction in West Virginia and shall be approved by the West Virginia Motorsport Committee.

§20-19-8. No abrogation of common law and statutory defenses.

In a proceeding brought against a motor sports operator or participant, in addition to the liability protections provided for under this article, a motor sports operator or participant may assert any and all common law, statutory, or other defenses that may be available. A motorsports operator may require participants to sign anticipatory release and waiver of liability forms as a condition of participating as a spectator or vehicle operator, which signed waiver forms shall be admissible at trial in any action for damages by or on behalf of the person who executed the forms.”

And,

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

Com. Sub. for H. B. 2569 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-19-1, §20-19-2, §20-19-3, §20-19-4, §20-19-5, §20-19-6, §20-19-7, and §20-19-8, all relating to establishing the Motorsport Responsibility Act; providing legislative findings; defining terms; setting forth duties of motorsport operators; setting forth duties of motorsport participants; setting forth the liability of motorsport operators; setting forth the liability of motorsport participants; and providing rule-making authority.”

On the motion to concur in the Senate amendments, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 540**), and there were—yeas 64, nays 32, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Brooks, Burkhammer, Chiarelli, Coop-Gonzalez, Dean, Dillon, Fast, Fluharty, Foggin, Garcia, Griffith, A. Hall, Hillenbrand, Hornbuckle, Kirby, Longanacre, Martin, Miller, Petitto, Phillips, E. Pritt, Ross, Rowe, Sheedy, Skaff, Street, Toney, Tully, Vance, Walker, Williams and Young.

Absent and Not Voting: DeVault, Mallow, Nestor and Ward.

So, a majority of the members present having voted in the affirmative, the motion to concur in the amendment of the bill by the Senate prevailed.

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. 541**), and there were—yeas 85, nays 11, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Chiarelli, Coop-Gonzalez, Dillon, Fast, Foggin, Ross, Rowe, Sheedy, Street, Toney and Vance.

Absent and Not Voting: DeVault, Mallow, Nestor and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2569) 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, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2754, Relating to immunizations performed in a pharmacy.

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

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. 2848, Water and Sewer Operator licensing reciprocity.

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

A message from the Senate, by

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

H. B. 2906, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits.

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. 2910, Making a supplementary appropriation to the Department of Administration, Public Defender Services.

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. 2915, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund.

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. 2917, Relating to allowing retired state employees who meet the minimum qualifications necessary, to render post-retirement employment with the Department of Health and Human Resources.

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

On page 2, section 48, line 39, by striking out "\$20,000" and inserting in lieu thereof "\$25,000".

And,

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

Com. Sub. for H. B. 2917 – "A Bill to amend and reenact §5-10-48 of the code of West Virginia, 1931, as amended, relating to allowing certain retired state employees to render certain post-retirement employment with the Department of Health and Human Resources under certain circumstances; increasing the maximum compensation that may be earned by certain retired

public employees who accept employment from a participating employer without suspending his or her retirement annuity; and allowing certain retired state employees to render certain post-retirement employment with the Department of Health and Human Resources under certain circumstances.”

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

Com. Sub. for H. B. 2917 - “A Bill to amend and reenact §5-10-48 of the code of West Virginia, 1931, as amended, relating to post-retirement employment by certain retirants; allowing certain retired state employees to render certain post-retirement employment with the Department of Health and Human Resources under certain circumstances; and increasing the amount that may be earned by certain retirants in certain post-retirement employment without requiring suspension of retirement annuity.”

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 542**), 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: Garcia, Mallow, Nestor and Ward.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2917) passed.

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

On this question, the yeas and nays were taken (**Roll No. 543**), 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: Garcia, Mallow, Nestor and Ward.

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. 2917) 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.

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

A message from the Senate, by

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

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

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

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 22A. WEST VIRGINIA MUNICIPAL POLICE OFFICERS AND FIREFIGHTERS RETIREMENT SYSTEM.

§8-22A-27a. Credit toward retirement for member’s accrued annual or sick leave days.

(a) For purposes of this section, an annual leave or sick leave day shall be the equivalent of eight hours of leave.

(b) Any member accruing annual leave or sick leave days may, after the effective date of this section, elect to use the days which stand to the member’s credit with the member’s last covered employment employer at the time of retirement to acquire additional credited service in this retirement system. The days shall be applied on the basis of one days’ credit granted for each one day of accrued annual or sick leave days, with each month of retirement service credit to equal 20 days and with any remainder of 10 days or more to constitute a full month of additional credit and any remainder of less than 10 days to be dropped and not used, notwithstanding any provisions of this code to the contrary. The credited service shall be allowed and not considered to controvert the requirement of no more than 12 months’ credited service in any year’s period.

(c) Members employed by any covered employment employer with a policy for the accrual of unused sick and annual leave which is more generous than that of the State of West Virginia for its state agency employees shall receive service credit only for accrued unused sick and annual leave as provided for by the State of West Virginia for state employees who are covered by the rules of the West Virginia Division of Personnel. If the member is paid in a lump sum for accrued unused leave, the Board shall not consider the lump sum payment as annual compensation in computing a member's final average salary.”

And,

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

Com. Sub. for H. B. 3211 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-22A-27a, relating to authorizing service credit for unused accrued annual or sick leave days in the West Virginia Municipal Police Officers and Firefighters Retirement System; defining an annual leave or sick leave day as eight hours; authorizing service credit for unused accrued annual or sick leave days in the West Virginia

Municipal Police Officers and Firefighters Retirement System; and limiting credit for accrued annual or sick leave days to the policy offered by the State of West Virginia for its state employees who are covered by the rules of the West Virginia Division of Personnel.”

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. 544**), 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: Mallow, Nestor, E. Pritt and Ward.

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. 3211) 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. 3337, Prohibiting additional drug and alcohol treatment facilities and services in a certain county.

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

On page 1, section 9, line 4, by striking out “(c)(23)”;

On page 1, section 9, line 8, by striking out the word “and”;

And,

On page 1, section 9, line 13, by striking out “(b)(24)”.

And,

On page 1, section 9, lines 15-18, by striking out all of subdivision (5) and adding in lieu thereof a new subdivision, designated subdivision (5), to read as follows:

“(5) Add licensed substance abuse treatment beds in any county which already has greater than 250 licensed substance abuse treatment beds.”

And,

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

Com. Sub. for H. B. 3337 – “A Bill to amend and reenact §16-2D-9 of the Code of West Virginia, 1931, as amended, relating to prohibiting a certificate of need; prohibiting additional drug and alcohol treatment facilities and services in certain counties.”

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. 545**), and there were—yeas 77, nays 19, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Bridges, Coop-Gonzalez, Dittman, Fluharty, Foster, Garcia, Hansen, Holstein, Hornbuckle, Martin, E. Pritt, Pushkin, Rowe, Skaff, Summers, Tully, Walker, Williams and Young.

Absent and Not Voting*: Capito, Hardy, Mallow and Nestor.

*The Speaker announced that Delegate Walker's vote did not register and she is recorded as "Nay".

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. 3337) passed.

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

On this question, the yeas and nays were taken (**Roll No. 546**), and there were—yeas 85, nays 12, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Coop-Gonzalez, Dittman, Fluharty, Garcia, Hansen, Hornbuckle, Pushkin, Skaff, Tully, Walker, Williams and Young.

Absent and Not Voting: Hardy, Mallow and Nestor.

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. 3337) 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:

H. B. 3396, Supplementing, amending, and increasing existing items of appropriation from the State Road Fund to the Department of Transportation, Division of Highways.

On motion of Delegate Jeffries, 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:

That the total appropriation for the fiscal year ending June 30, 2023, to fund 9017, fiscal year 2023, organization 0803, be supplemented and amended by increasing existing items of appropriation as follows:

TITLE II – APPROPRIATIONS.

Sec. 2. Appropriations from state road fund.

DEPARTMENT OF TRANSPORTATION

110 - Division of Highways

(WV Code Chapters 17 and 17C)

Fund 9017 FY 2023 Org 0803

	Appro-	State
	priation	Road
		Fund
8 Interstate Construction	27800	70,000,000
9 Other Federal Aid Programs	27900	40,000,000
10 Appalachian Programs	28000	80,000,000

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. 547**), 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: Foggin, Hardy, Mallow, Nestor and Steele.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3396) passed.

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

On this question, the yeas and nays were taken (**Roll No. 548**), 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: Hardy, Mallow, Nestor and Steele.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3396) 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 concurrence in the amendment of the House of Delegates and the passage, as amended, of

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

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. 439, Establishing design-build program for DEP.

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. 490, Patrol Officer Cassie Marie Johnson Memorial Act.

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. 526, Including Alzheimer's disease in existing public health programs.

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. 679, Requiring Office of Inspector General to promulgate rules concerning location of forensic group homes.

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

Com. Sub. for S. B. 730, Expanding authority of Legislative Oversight Commission on Health and Human Resources Accountability.

On motion of Delegate Householder the House of Delegates concurred in the following Senate title amendment:

Com. Sub. for S. B. 730 - "A Bill to amend and reenact §16-29E-3, §16-29E-4, §16-29E-5 and §16-29E-7 of the Code of West Virginia, as amended, all relating to the Legislative Oversight Commission on Health and Human Resources Accountability; defining terms; applying authority of commission to successor agencies of the Department of Health and Human Resources; continuing commission; removing limitation on commission review; expanding authority of commission; permitting commission to require reports; and setting forth instructions for reporting."

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 549**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Foster, Hardy, Kelly, Longanacre, Mallow, Nestor and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 730) passed.

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

On this question, the yeas and nays were taken (**Roll No. 550**), 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, Foster, Hardy, Kelly, Longanacre, Lucas, Mallow, Nestor and Steele.

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. 730) 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.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules as follows:

Com. Sub. for S. C. R. 11 – “Requesting the Division of Highways name a stretch of State Route 3 in Summers County, beginning at milepost 17.25, which is the intersection of Huston Road and State Route 3, and ending at milepost 19.96, which is the intersection of Graham House Road and State Route 3, the ‘U. S. Army SGT Brian Christopher Karim Memorial Road’”.

Resolutions Introduced

Resolutions were introduced and severally referred as follows:

By Delegates Vance, Burkhammer, Toney, Brooks, Kirby, Worrell, Holstein, Dean, Fast, A. Hall and Longanacre:

H. C. R. 71 – “Proclaiming November 7th to be designated annually as ‘Pastor Appreciation Day’ in West Virginia in tribute to those who, through their unwavering commitment to service and faith in God, strive to enrich the lives of the people in their congregations and communities”; to the Committee on Rules.

And,

By Delegates Mazzocchi, Adkins, Anderson, Brooks, Clark, Cooper, Crouse, Dean, DeVault, Ferrell, Forsht, Hillenbrand, Hite, Holstein, Honaker, Hott, Howell, Jeffries, Jennings, Kelly, Kirby, Lucas, Mallow, Marple, Miller, Nestor, Petitto, C. Pritt, Ridenour, Sheedy, Steele, Storch, Tully, Ward, Westfall, Willis, Worrell and Zatezalo:

H. C. R. 72 – “Requesting that the Joint Committee on Government and Finance study the effect of the establishment of the Whole-Home Repairs Act of 2023 and the Act's efficacy to address the issues of blighted homes, workforce retention, seniors aging in place, and emigration away from our area”; to the Committee on Rules.

Special Calendar**Third Reading**

S. B. 99, Relating to meetings among county boards of 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. 551**), and there were—yeas 73, nays 22, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Chiarelli, Dillon, Dittman, Fluharty, Garcia, A. Hall, Hanna, Hornbuckle, Kimble, Martin, E. Pritt, Sheedy, Skaff, Street, Summers, Thorne, Toney, Vance, Walker, Williams and Young.

Absent and Not Voting: Horst, Kelly, Mallow, Nestor and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 99) passed.

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

Com. Sub. for S. B. 191, Relating to liability for payment of court costs as condition of pretrial diversion agreement; 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. 552**), 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: Horst, Kelly, Mallow, Nestor, Williams and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 191) passed.

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

Com. Sub. for S. B. 191 - “A Bill to amend and reenact §62-11C-9 of the Code of West Virginia, 1931, as amended, relating to liability for payment of court costs as a condition of a pretrial diversion agreement; and declaring that financial inability to pay court costs cannot be a basis for denying a pretrial diversion agreement; correcting a reference to a code section governing deferred prosecution agreements; ; relating to liability for payment of court costs as a condition of deferred adjudication; relating to liability for payment of restitution as a discretionary condition of a deferred adjudication; declaring that deferred adjudications may require participation in community corrections; relating to the procedure of handling deferred adjudications when community corrections are utilized; and declaring that financial inability to pay court costs and restitution cannot be a basis for denying a deferred adjudication.”;

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. 356, Authorizing DOT 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. 553**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Garcia, W. Hall, Hornbuckle, Kirby, Mallow, Nestor, Ross and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 356) passed.

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

On this question, the yeas and nays were taken (**Roll No. 554**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Garcia, W. Hall, Hornbuckle, Kirby, Mallow, Nestor and Ross.

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. 356) 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 S. B. 451, Relating to Teachers Retirement System and Teachers' Defined Contribution 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. 555**), 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: Hornbuckle, Linville, Mallow and Nestor.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 451) passed.

A title amendment was recommended by the Committee on Finance, and adopted, as follows:

Com. Sub. for S. B. 451 — “A Bill to amend and reenact §18-7A-3, §18-7A-13a, §18-7A-15, and §18-7A-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-7B-2 and §18-7B-17 of said code, all relating to retirement systems for teachers and certain other educational employees; defining terms; requiring certain notifications; providing for public charter schools as employer in systems; and limiting eligibility for certain transfers of service from the Public Employees Retirement System to the Teachers Retirement System.”

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

S. B. 452, Relating to Emergency Medical Services 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. 556**), 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: Hansen, Hornbuckle, Linville, Longanacre, Mallow and Nestor.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 452) passed.

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

S. B. 457, Removing certain activities Alcohol Beverage Control Commission licensee is prohibited to permit on private club premises; 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. 557**), and there were—yeas 72, nays 24, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Bridges, Brooks, Burkhammer, Butler, Coop-Gonzalez, Dillon, Dittman, Fast, Ferrell, Griffith, A. Hall, Hanna, Jeffries, Keaton, Kirby, Mazzocchi, Pinson, Ross, Steele, Street, Toney, Vance, Ward and Worrell.

Absent and Not Voting: Hornbuckle, Longanacre, Mallow and Nestor.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 457) 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. 487, Extending additional modification reducing federal adjusted gross income; 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. 558**), 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: Longanacre, Mallow and Nestor.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 487) passed.

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

Com. Sub. for S. B. 558, Prohibiting law-enforcement agencies from posting booking photographs of certain criminal defendants on social media; 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. 559**), and there were—yeas 93, nays 3, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Dillon, Hardy and Pinson.

Absent and Not Voting: Linville, Mallow, Nestor and Storch.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 558) passed.

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

Com. Sub. for S. B. 558 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-1-6a, relating to prohibiting law enforcement agencies of the state from posting on social media the booking photographs of individuals alleged to have committed a minor offense; clarifying that the Division of Corrections and Rehabilitation and its subordinate organizations may not be considered a law enforcement agency for purposes of this section; providing exceptions; and requiring removal of booking photographs in certain instances."

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

S. B. 597, Allowing Workforce WV to hire classified service exempt employees; 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. 560**), 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: Linville, Mallow, Nestor and Storch.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 597) 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 S. B. 688, Allowing BOE to hire retired teachers to assist with tutoring; 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. 561**), 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: Linville, Mallow and Nestor.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 688) passed.

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

Com. Sub. for H. B. 2905, Supplementing and amending appropriations to State Board of Education - State Department of Education - Classroom Aide Program; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 562**), 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: Fehrenbacher, Mallow, Nestor, Ridenour and Ward.

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. 2905) passed.

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

On this question, the yeas and nays were taken (**Roll No. 563**), 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: Fehrenbacher, Mallow, Nestor, E. Pritt, Ridenour and Ward.

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. 2905) 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. 2907, Supplementing and amending appropriations to the Department of Administration, Division of General 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. 564**), 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: Fehrenbacher, Mallow, Nestor, Ridenour and Ward.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2907) passed.

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

On this question, the yeas and nays were taken (**Roll No. 565**), 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: Householder.

Absent and Not Voting: Foggin, Mallow, Nestor, Ridenour, Smith and Ward.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2907) 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. 2913, Supplementing and amending appropriations to the DHHR, Consolidated Medical Services 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. 566**), 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: Foggin, Mallow, Nestor, Smith and Ward.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2913) passed.

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

On this question, the yeas and nays were taken (**Roll No. 567**), 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: Mallow, Nestor, Smith and Ward.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2913) 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. 2928, Supplementing and amending appropriations to DHHR, Division of Health; 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. 568**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: DeVault, Hornbuckle, Mallow, Nestor, Skaff, Ward, Williams and Young.

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. 2928) passed.

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

On this question, the yeas and nays were taken (**Roll No. 569**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: DeVault, Hornbuckle, Mallow, Nestor, Skaff, Ward, Williams and Young.

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. 2928) 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. 3039, Making a supplementary appropriation to Adjutant General - State Militia; 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. 570**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, DeVault, Mallow, Nestor, Skaff, Ward, Williams 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. 3039) passed.

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

On this question, the yeas and nays were taken (**Roll No. 571**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, DeVault, Mallow, Nestor, Skaff, Ward, Williams 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. 3039) 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. 3073, Supplementing and amending appropriations to Adjutant General - State Militia; 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. 572**), 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, Mallow, Nestor, Ward, Williams 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. 3073) passed.

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

On this question, the yeas and nays were taken (**Roll No. 573**), 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, Mallow, Nestor, 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 (H. B. 3073) 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. 3553, Supplementing and amending appropriations to Department of Health and Human Resources; 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. 574**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Steele.

Absent and Not Voting: Bridges, Mallow and Nestor.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3553) passed.

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

On this question, the yeas and nays were taken (**Roll No. 575**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Steele.

Absent and Not Voting: Bridges, Mallow and Nestor.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3553) 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. 3563, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 576**), 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: Steele and Vance.

Absent and Not Voting: Bridges, Mallow and Nestor.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3563) passed.

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

On this question, the yeas and nays were taken (**Roll No. 577**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Steele and Vance.

Absent and Not Voting: Mallow and Nestor.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3563) 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. 3564, Making a supplementary appropriation to the Division of Human Services - Energy Assistance; 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. 578**), and there were—yeas 91, nays 7, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Butler, Coop-Gonzalez, Foster, Longanacre, Ridenour, Steele and Vance.

Absent and Not Voting: Mallow and Nestor.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3564) passed.

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

On this question, the yeas and nays were taken (**Roll No. 579**), 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: Butler, Longanacre, Steele and Vance.

Absent and Not Voting: Mallow and Nestor.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3564) 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.

At 1:39 p.m., on motion of Delegate Householder, the House of Delegates recessed until 5:00 p.m.

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Evening Session

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

Special Calendar

-continued-

Second Reading

S. B. 146, Modifying regulations of peer-to-peer car sharing program; on second reading, coming up in regular order, was read a second time.

An amendment was recommended by the Committee on the Judiciary, and adopted, on page one, by striking everything after the enacting clause and inserting the provisions of the strike and insert amendment:

“ARTICLE 6F. PEER-TO-PEER CAR SHARING PROGRAMS.**§17A-6F-1. Scope.**

This article is intended to govern the intersection of peer-to-peer car services, the state-regulated business of insurance, and state and local taxation of the business transaction- and the airport and airport authorities authority to regulate peer-to-peer car services provided to airport customers This article does not void, abrogate, restrict, or affect any requirements of §17A-6D-1 *et seq.* of this code relating to daily passenger rental car business or §17A-6A-1 *et seq.* of this code relating to motor vehicle dealers, distributors, wholesalers, and manufacturers.

§17A-6F-2. Definitions.

As used in this article:

‘Peer-to-peer car sharing’ means the authorized use of a vehicle by an individual other than the vehicle’s owner through a peer-to-peer car sharing program. ‘Peer-to-peer car sharing’ is not a ‘daily passenger rental car business’ as licensed by the provisions of §17A-6D-1 *et seq.* of this code.

‘Peer-to-peer car sharing program’ means a business platform that connects vehicle owners with drivers to enable the sharing of vehicles for financial consideration. ‘Peer-to-peer car sharing program’ does not mean a service provider who is solely providing hardware or software as a service to a person or entity that is not effectuating payment of financial consideration for use of a shared vehicle. For purposes of this section, ‘hardware’ does not mean a motor vehicle as defined by the provisions of §17A-1-1(b). ‘Peer-to-peer car sharing program’ does not mean a ‘daily passenger rental car business’ as licensed by the provisions of §17A-6D-1 *et seq.* of this code. ‘Peer-to-peer car sharing program’ does not include a program provided to a business’s own employees.

‘Car sharing program agreement’ means the terms and conditions applicable to a shared vehicle owner and a shared vehicle driver that govern the use of a shared vehicle through a peer-to-peer car sharing program. ‘Car sharing program agreement’ does not mean ‘master rental agreement’ or ‘rental agreement’ as used in §17A-6D-1 *et seq.* of this code.

‘Shared vehicle’ means a vehicle that is available for sharing through a peer-to-peer car sharing program. ‘Shared vehicle’ does not mean a rental car or a rental vehicle as used in a ‘daily passenger rental car business’ licensed by the provisions of §17A-6D-1 *et seq.* of this code.

'Shared vehicle driver' means an individual who has been authorized to drive the shared vehicle by the shared vehicle owner under a car sharing program agreement.

'Shared vehicle owner' means the registered owner, or a person or entity designated by the registered owner, of a vehicle made available for sharing to shared vehicle drivers through a peer-to-peer car sharing program.

'Car sharing delivery period' means the period of time during which a shared vehicle is being delivered to the location of the car sharing start time, if applicable, as documented by the governing car sharing program agreement.

'Car sharing period' means the period of time that commences with the car sharing delivery period or, if there is no car sharing delivery period, that commences with the car sharing start time, and in either case ends at the car sharing termination time.

'Car sharing start time' means the time when the shared vehicle becomes subject to the control of the shared vehicle driver at or after the time the reservation of a shared vehicle is scheduled to begin as documented in the records of a peer-to-peer car sharing program.

'Car sharing termination time' means the earliest of the following events:

The expiration of the agreed upon period of time established for the use of a shared vehicle according to the terms of the car sharing program agreement if the shared vehicle is delivered to the location agreed upon in the car sharing program agreement;

When the shared vehicle is returned to a location as alternatively agreed upon by the shared vehicle owner and shared vehicle driver as communicated through a peer-to-peer car sharing program, and which alternatively agreed upon location shall be incorporated into the car sharing program agreement; or

When the shared vehicle owner or the shared vehicle owner's authorized designee, takes possession and control of the shared vehicle.

§17A-6F-3. Insurance coverage during car sharing period.

(a) A peer-to-peer car sharing program shall assume liability, except as provided in subsection (b) of this section, of a shared vehicle owner for bodily injury or property damage to third parties and uninsured and underinsured motorist ~~and personal injury protection~~ losses during the car sharing period in an amount stated in the peer-to-peer car sharing program agreement which amounts may not be less than ~~\$750,000~~ \$300,000, the minimum of applicable limits required by state law as set forth in § 17D-4-2 and § 33-6-31 of this Code.

(b) Notwithstanding the definition of 'car sharing termination time' as defined in this article, the assumption of liability under subsection (a) of this section does not apply to any shared vehicle owner when:

(1) A shared vehicle owner makes an intentional or fraudulent material misrepresentation or omission to the peer-to-peer car sharing program before the car sharing period in which the loss occurred; or

(2) Acting in concert with a shared vehicle driver who fails to return the shared vehicle pursuant to the terms of the car sharing program agreement.

(c) Notwithstanding the definition of 'car sharing termination time' as defined in this article, the assumption of liability under subsection (a) of this section would apply to bodily injury, property damage, uninsured and underinsured motorist, ~~or personal injury protection~~ losses by damaged third parties in the same manner required by §17D-4-2 and §33-6-31 of this code.

(d) A peer-to-peer car sharing program shall ensure that, during each car sharing period, the shared vehicle owner and the shared vehicle driver are insured under a motor vehicle liability insurance policy that provides insurance coverage which amounts may not be less than the amounts set forth in ~~subsection (a)~~ §17D-4-2 and §33-6-31 of this code and either:

(1) Recognizes that the shared vehicle insured under the policy is made available and used through a peer-to-peer car sharing program; or

(2) Does not exclude use of a shared vehicle by a shared vehicle driver.

(e) The insurance described under subsection (d) of this section may be satisfied by motor vehicle liability insurance maintained by:

(1) A shared vehicle owner;

(2) A shared vehicle driver;

(3) A peer-to-peer car sharing program; or

(4) A combination of a shared vehicle owner, a shared vehicle driver, and a peer-to-peer car sharing program.

(f) The insurance described in subsection (e) of this section that is satisfying the insurance requirement of subsection (d) of this section shall be the primary insurance during each car sharing period. If a claim occurs during the car sharing period in another state with minimum financial responsibility limits higher than required by §17D-4-2 of this code, the coverage maintained under subsection (e) of this section shall satisfy the minimum financial responsibility limits of such other state, up to the applicable policy limits that may exceed the minimum financial responsibility limits.

(g) The ~~insurer, insurers, or peer-to-peer car sharing program providing coverage under shall assume primary liability for a claim when it is, in whole or in part, providing the insurance required under subsections (d) and (e) of this section and~~ shall assume primary liability for a claim when:

(1) A dispute exists as to who was in control of the shared motor vehicle at the time of the loss, ~~and (2) The~~ and the peer-to-peer car sharing program does not have available, did not retain, or fails to provide the information required by this article §17A-6F-6 of this code; or

(2) A dispute exists as to whether the shared vehicle was returned to the alternatively agreed upon location as required by the definition of car sharing termination time as defined in §17A-6F-2 of this code.

~~(3)~~ (h) The insurer, insurers, or A-peer-to-peer car sharing program providing coverage under subsection (g) of this section may seek indemnity from a shared vehicle owner if the shared vehicle owner is determined to have been the operator of the shared vehicle at the time of the loss.

~~(h)~~(i) If insurance maintained by a shared vehicle owner or shared vehicle driver in accordance with subsection (e) of this section has lapsed or does not provide the required coverage, insurance maintained by a peer-to-peer car sharing program shall provide the coverage required by subsection (d) of this section beginning with the first dollar of a claim and have the duty to defend such claim except under circumstances as set forth in this section.

~~(i)~~ (j) Coverage under an automobile insurance policy maintained by the peer-to-peer car sharing program shall not be dependent on another automobile insurer first denying a claim nor shall another automobile insurance policy be required to first deny a claim.

~~(j)~~ (k) Nothing in this article may be interpreted as either limiting or restricting:

(1) The liability of the peer-to-peer car sharing program for any act or omission of the peer-to-peer car sharing program itself that results in injury to any person as a result of the use of a shared vehicle through a peer-to-peer car sharing program; or

(2) The ability of the peer-to-peer car sharing program to, by contract, seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the peer-to-peer car sharing program resulting from a breach of the terms and conditions of the car sharing program agreement.

~~(k) If a dispute arises as to whether the car sharing termination time has transpired, or if a car return calls into question whether the car sharing termination time has transpired, or if a car return calls into question whether the car sharing termination time has occurred, the peer to peer car sharing program shall extend primary coverage for the loss. If during the investigation of the claim it becomes apparent that one of the parties to the car sharing program agreement was negligent, engaged in misrepresentation, or is otherwise responsible for the loss, the car sharing program may seek recovery from one or both parties directly through subrogation~~

§17A-6F-5. Exclusions for personal vehicle liability insurance policy.

(a) A motor vehicle insurer that writes motor vehicle liability insurance in this state may exclude any and all coverage and the duty to defend or indemnify for any claim afforded under a shared vehicle owner's motor vehicle liability insurance policy, including, but not limited to:

(1) Liability coverage for bodily injury and property damage;

~~(2) Personal injury protection coverage~~

~~(3)~~ (2) Uninsured and underinsured motorist coverage;

~~(4)~~ (3) Medical payments coverage;

~~(5)~~ (4) Comprehensive physical damage coverage; and

~~(6)~~ (5) Collision physical damage coverage.

(b) Nothing in this article ~~shall~~ may be construed as invalidating or limiting an exclusion contained in a motor vehicle liability insurance policy, including any insurance policy in use or approved for use that excludes coverage for motor vehicles made available for rent, sharing, or hire, or for any business use.

(c) Nothing in this article may be interpreted as either limiting or restricting an insurer's ability to exclude insurance coverage from any insurance policy or an insurer's ability to underwrite any insurance policy pursuant to § 33-6A-1 *et seq.* of this code.

§17A-6F-7. Exemption; vicarious liability.

A peer-to-peer car sharing program and a shared vehicle owner are exempt from vicarious liability ~~in accordance~~ consistent with 49 U.S.C. §30106 and under any state or local law that imposes liability solely based on vehicle ownership.

§17A-6F-13. Registration, notification, and automobile safety recalls.

(a) At the time when a vehicle owner registers as a shared vehicle owner on a peer-to-peer car sharing program and prior to the time when the shared vehicle owner makes a shared vehicle available for car sharing on the peer-to-peer car sharing program, the peer-to-peer car sharing program shall:

(1) Verify that the shared vehicle does not have any safety recalls on the vehicle for which the repairs have not been made; and

(2) Notify the shared vehicle owner of the requirements of subsection (b) of this section;-and

(3) Notify the shared vehicle owner that the shared vehicle owner's personal insurance may exclude peer-to-peer car sharing activity.

(b)(1) If the shared vehicle owner has received an actual notice of a safety recall on the vehicle, a shared vehicle owner may not make a vehicle available as a shared vehicle on a peer-to-peer car sharing program until the safety recall repair has been made.

(2) If a shared vehicle owner receives an actual notice of a safety recall on a shared vehicle while the shared vehicle is made available on the peer-to-peer car sharing program, the shared vehicle owner shall remove the shared vehicle as available on the peer-to-peer car sharing program, as soon as practicably possible after receiving the notice of the safety recall and until the safety recall repair has been made.

(3) If a shared vehicle owner receives an actual notice of a safety recall while the shared vehicle is being used in the possession of a shared vehicle driver, as soon as practicably possible after receiving the notice of the safety recall, the shared vehicle owner shall notify the peer-to-peer car sharing program about the safety recall so that the shared vehicle owner may address the safety recall repair."

The bill was then ordered to third reading.

S. B. 149, Exempting certain organizations from property taxation; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 151, Levying tax on pass-through entity's income; on second reading, coming up in regular order, was read a second time.

An amendment was recommended by the Committee on Finance, and adopted, on page 4, section 3a, line 44, by striking "W.Va. Code"; and

On page 4, section 3a, line 52, by striking "W.Va. Code"; and

On page 4, section 3a, line 60, by striking subsection (p) in its entirety and inserting in lieu thereof the following;

"(p) The Tax Commissioner shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code to administer the tax levied pursuant to the provisions of this section. These rules must include a description of how the adjustments to income and the credit authorized by this section apply to direct or indirect owners of an electing pass-through entity based upon various ownership structures."

On page 6, section 20, line 29, by striking "article" and inserting "code"; and

On page 6, section 20, line 34, by striking "article" and inserting "code".

The bill was then ordered to third reading.

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

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

"CHAPTER 49. CHILD WELFARE.

ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.

§49-2-101. Authorization and responsibility; Bureau for Social Services.

~~(a) The Department of Health and Human Resources is authorized to provide care, support and protective services for children who are handicapped by dependency, neglect, single parent status, mental or physical disability, or who for other reasons are in need of public service. The department is also authorized to accept children for care from their parent or parents, guardian, custodian or relatives and to accept the custody of children committed to its care by courts. The Department of Health and Human Resources or any county office of the department is also authorized and to accept temporary custody of children for care from any law enforcement officer in an emergency situation. The Bureau for Social Services is continued within the department. The bureau is under the immediate supervision of a commissioner.~~

~~(b) The Department of Health and Human Resources is responsible for the care of the infant child of an unmarried mother who has been committed to the custody of the department while the infant is placed in the same licensed child welfare agency as his or her mother. The department may provide care for those children in family homes meeting required standards, at board or otherwise, through a licensed child welfare agency, or in a state institution providing care for dependent or neglected children. If practical, when placing any child in the care of a family or a child welfare agency the department shall select a family holding the same religious belief as the parents or relatives of the child or a child welfare agency conducted under religious auspices of the same belief as the parents or relatives. The Bureau for Social Services is authorized to provide care, support, and protective services for children who are handicapped by dependency, neglect, single parent status, mental or physical disability, or who for other reasons are in need of public service. The bureau is also authorized to accept children for care from their parent or parents, guardian, custodian, or relatives, and to accept the custody of children committed to its care by courts. The bureau or any county office of the department is also authorized to accept temporary custody of children for care from any law-enforcement officer in an emergency situation.~~

(c) The bureau is responsible for the care of the infant child of an unmarried mother who has been committed to the custody of the department while the infant is placed in the same licensed child welfare agency as his or her mother. The bureau provides care for those children in family homes meeting required standards, at board or otherwise, through a licensed child welfare agency, or in a state institution providing care for dependent or neglected children. If practical, when placing any child in the care of a family or a child welfare agency, the bureau shall select a family holding the same religious belief as the parents or relatives of the child, or a child welfare agency conducted under religious auspices of the same belief as the parents or relatives.

§49-2-102. Minimum staffing complement for child protective services Staffing Allocation for Child Protective Services Workers.

~~[Repealed.] Notwithstanding any other provision of this code to the contrary, effective July 1, 2024, the commissioner shall allocate and station child protective services workers by county based on population, referrals, and average caseload. The allocation may not decrease below the bureau's allocation of January 1, 2023. The county population shall be based on the United States Census. The bureau shall report the allocation to the Legislative Oversight Commission on Health and Human Resources Accountability by July 1 each year.~~

§49-2-809. Reporting procedures.

(a) Reports of child abuse and neglect pursuant to this article shall be made immediately to the department of child protective services by a method established by the ~~department~~ Bureau for Social Services: *Provided*, That if the method for reporting is web-based, the ~~Department of Health and Human Resources~~ Bureau for Social Services shall maintain a system for addressing emergency situations that require immediate attention and shall be followed by a written report within 48 hours if so requested by the receiving agency. The ~~state department~~ Bureau for Social Services shall establish and maintain a 24-hour, seven-day-a-week telephone number to receive calls reporting suspected or known child abuse or neglect.

(b) The department shall have a redundancy for its system in the event of an outage to receive reports. This redundancy system shall be transparent, meaning that it shall allow for reporting in the same means as if the outage had not occurred and no time delay shall occur from when the outage occurs to when the redundancy system begins to operate. This redundancy system shall

be operational no later than July 1, 2023. If the department contends that it currently has a redundancy system, it shall describe the system, provide an operational date for the system, and explain why calls to centralized intake were unanswered to the Joint Committee on Government and Finance by July 1, 2023.

(b) (c) A copy of any report of serious physical abuse, sexual abuse, or assault shall be forwarded by the department to the appropriate law-enforcement agency, the prosecuting attorney, or the coroner or medical examiner's office. All reports under this article are confidential. Reports of known or suspected institutional child abuse or neglect shall be made and received as all other reports made pursuant to this article.

(d) The department shall annually submit a report in an electronic format, via the legislative webpage, on July 1 to the Joint Committee on Government and Finance, which shall contain: How many calls were made to centralized intake on a per county basis, how many calls were referred to centralized intake on a per county basis, how many calls were screened out centralized intake on a per county basis, and the time from referral to investigation on a per county basis.

ARTICLE 10. EXEMPTION FROM WEST VIRGINIA DIVISION OF PERSONNEL.

§49-10-101. Legislative findings.

The Legislature finds the State of West Virginia is experiencing a child welfare crisis. From 2016 to 2020, the child protective service vacancy rate has increased from 9.7% to 33%. This significant lack of staffing has caused a delay in response times to begin investigations. During the same time period, the average hours to start a child protective service investigation after referral went from 119.1 hours in 2016 to now averaging 428.1 hours in 2020. This significant failure to begin the investigation can and has cost lives. The Legislature finds that the Bureau for Social Services is having extreme difficulty recruiting and retaining child protective service workers, youth service workers, adult protective service workers, and other related workers, including necessary casework support personnel and managers at the county level, who assist in the provision of services to vulnerable populations.

§49-10-101. Bureau for Social Service employees exempt from Division of Personnel.

(a) The Commissioner of the Bureau for Social Services shall develop a merit-based system policy for the bureau. The procedure shall include classification specifications, and may include compensation adjustments, retention incentives, and hiring approval by the commissioner. The commissioner shall have the full authority to evaluate applicants for employment or promotion or make classification determinations for positions within the merit-based system. The pay rates and employment requirements shall be put into effect on or before January 1, 2024. This merit-based system shall apply to new employees in the above referenced job classifications and for existing employees who elect, in writing to enter the merit-based system. The merit-based system is exempt from the Division of Personnel and all requirements of §29-6-1 et seq. of this code and any related rules. There is no requirement for uniformity regarding the pay scale for the same classification between regions of the state to account for market rates and demand for specific positions. The provisions of §6C-2-1 et seq. are not applicable.

(b) Funding for the pay rates and employment requirements shall be provided from the appropriation to the bureau.

(c) The commissioner may conduct periodic wage and compensation analysis of identified market rates for the above positions as determined by the commissioner.

(d) The commissioner shall report to Legislative Oversight Commission of Health and Human Resources accountability by January 1, 2024.

§49-10-103. Bureau for Social Service employees no requirement uniformity in pay scale.

The Legislature finds that the Bureau for Social Services is having extreme difficulty retaining child protective service workers, youth service workers, adult protective service workers, and other related workers, including necessary casework support personnel and managers at the county level, who assist in the provision of services to vulnerable populations. To retain qualified employees in these crucial positions, there is no requirement for uniformity regarding the pay scale for the same classification between regions of the state to account for market rates and demand for specific positions. The provisions of §6C-2-1 *et seq.* of this code shall be applicable to the employees of the merit-based system as set forth in §49-10-102 of this code, however, there is no right to a grievance for any such regional pay disparity for the same job classification.

ARTICLE 11. SYSTEM REPORTING.

§49-11-101. Systemic reporting transparency; rulemaking.

The commissioner shall change the existing child welfare data dashboard by July 1, 2023, to report on system-wide issues, including, but not limited to, system-level performance indicators, intake hotline performance indicators, field investigation performance indicators, open case performance indicators, out-of-home placement performance indicators, and federally mandated performance indicators.”

Delegate Rowe moved to amend the amendment on page 2 of the amendment, section 102, line 3, following the period after the words “average caseload” by inserting the following:

“The commissioner shall designate a child protective service worker for each school to receive initial intake reports of complaints or concerns from school personnel.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 580**), and there were— yeas 19, nays 66, absent and not voting 15, with the yeas and the absent and not voting being as follows:

Yeas: Anderson, Fluharty, Garcia, Griffith, A. Hall, Hansen, Hornbuckle, Kirby, Longanacre, Marple, Petitto, E. Pritt, Rowe, Skaff, Statler, Vance, Walker, Williams and Young.

Absent and Not Voting: Bridges, Cooper, Dillon, Ellington, Foggin, Horst, Kump, Mallow, Martin, Nestor, Pinson, Pushkin, Ross, Steele and Worrell.

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

The Health and Human Resources amendment was then adopted.

The bill was ordered to third reading.

Com. Sub. for S. B. 294, Clarifying amount of deputy sheriff annual salary increase; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 345, Authorizing Department of Revenue to promulgate legislative rules; on second reading, coming up in regular order, was read a second time.

An amendment recommended by the Committee on the Judiciary was reported by the Clerk, on page 2, section 2, subsection (a), line 3, by striking the period and inserting in lieu thereof the following:

“with the amendment set forth below:

On page 1, section 2, by striking out the words “Nothing in this rule shall be construed to create or imply a private cause of action for a violation of this rule or to subject a producer to civil liability under the best interest standard of care outline in Section 5 of this rule or under standards governing the conduct of a fiduciary or a fiduciary relationship.”;

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

S. B. 465, Increasing limit on moneys placed in county's rainy day fund; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 478, Relating to Jumpstart Savings Program; on second reading, coming up in regular order, was read a second time.

An amendment was recommended by the Committee on Finance, and adopted, on page two, section twelve-m, line twenty, following “§18-30A-3(a)(11)(D)”, by striking out the period and inserting the words “of this code”, followed by a period;

On page three, section twelve-m, line twenty-five, following the words “as defined in”, by striking out “§18-30A-11” and inserting in lieu thereof “§18-30A-3(a)(11)(D)”;

On page five, section twenty-five, line twenty-nine, following the words “income tax purposes”, by striking out the words “or a sole proprietorship” and the comma;

And,

On page fourteen, following line twenty five, by striking out the section heading for §18-30A-11 and inserting in lieu thereof the following: “**§18-30A-11. Distributions.**”.

The bill was then ordered to third reading.

S. B. 488, Aligning state and federal accreditation rules; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 543, Authorizing rule-making changes to terms, procedures and reporting duties in higher education; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 559, Relating to spousal privilege; on second reading, coming up in regular order, was read a second time.

An amendment was recommended by the Committee on the Judiciary, on page one, by striking everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 3. COMPETENCY OF WITNESSES.

§57-3-3. Testimony of ~~husband and wife~~ spouses in criminal cases.

In criminal cases ~~husband and wife~~ spouses shall be allowed, and, subject to the rules of evidence governing other witnesses, may be compelled to testify ~~in~~ on behalf of each other, but neither shall be compelled, nor, without the consent of the other, allowed to be called as a witness against the other except in the case of a prosecution for an offense committed by one against the other, or against the child, father, mother, sister or brother of either of them, ~~or minor, as defined in §2-2-10, or any person deemed incompetent by mental disease, defect, or other disability.~~ The failure of either ~~husband or wife~~ spouses to testify, however, shall create no presumption against the accused, nor be the subject of any comment before the court or jury by anyone.”

On motion of Delegate Capito, the amendment was amended, by striking everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 3. COMPETENCY OF WITNESSES.

§57-3-3. Testimony of husband and wife in criminal cases.

(a) In criminal cases a husband and or wife validly married for purposes of the provisions of §48-1-101 et seq. of this code shall be allowed, and, subject to the rules of evidence governing other witnesses, may be compelled to testify ~~in~~ on behalf of ~~each other~~ their husband or wife, but neither shall be compelled, nor, without the consent of ~~the other~~ their husband or wife, allowed to be called as a witness against ~~the other~~ their husband or wife except in the case of a prosecution for an offense committed by one against the other, or against the child, father, mother, sister or brother of either of them.;

(1) In the case of a prosecution for an offense committed by one against the other, or against the child, father, mother, sister or brother of either of them;

(2) In any case where either is charged with forgery of the name of the other or uttering or attempting to utter a writing bearing the allegedly forged signature of the other;

(3) In any case in which the court determines that each conspired or acted jointly in the commission of the crime charged;

(4) In any proceeding relating to a violation of the laws pertaining to §61-8B-1 et seq. of this code, §61-8C-1 et seq. of this code, §61-8D-1 et seq. of this code, or any violation of §61-2-1 et seq. where the victim is an infant or minor as that term is defined in §2-2-10 of this code; or

(5) In the case of a prosecution for an offense in which the victim is incompetent due to a mental disease or defect or other disability.

(b) The failure of either a husband or wife to testify, however, shall create no presumption against the accused, nor be the subject of any comment before the court or jury by anyone.”

The Judiciary Committee amendment, as amended, was then adopted.

The bill was ordered to third reading.

S. B. 625, Requiring certain transcripts to be accepted as record of student's performance for placement in micro school programs; 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 rule was suspended to permit the offering and consideration of amendments on that reading.

Com. Sub. for S. B. 649, Authorizing Berkeley County Council to change its name to Berkeley County Commission; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 667, Requiring periodic performance audits of WV Secondary Schools Athletic Commission; 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 rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 3109, Supplementing and amending appropriations to the State Board of Education - State Department of Education; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3542, Expiring funds to the Department of Administration, Board of Risk and Insurance Management, Public Entity Insurance Trust Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

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

S. B. 240, Requiring state board of examination or registration proceedings to be open to public inspection,

Com. Sub. for S. B. 271, Modifying approval process requirements for First Responders Honor Board,

Com. Sub. for S. B. 298, Relating to non-federally declared emergencies and non-states of emergency,

Com. Sub. for S. B. 422, Requiring public schools to publish curriculum online at beginning of each new school year,

Com. Sub. for S. B. 426, Banning use of certain products and platforms deemed unsafe or high risk on government systems,

Com. Sub. for S. B. 461, Relating to WV public employees grievance procedure,

Com. Sub. for S. B. 495, Providing correctional institutions and juvenile facilities video and audio records be confidential,

Com. Sub. for S. B. 527, Allowing family members of military personnel access to discharge records,

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

S. B. 544, Increasing power purchase agreement cap,

Com. Sub. for S. B. 573, Relating to child support guidelines and Support Enforcement Commission,

Com. Sub. for S. B. 661, Clarifying preferential recall rights for employees sustaining compensable injury,

Com. Sub. for S. B. 665, Amending licensure requirements for massage therapist,

S. B. 733, Relating to wildlife licenses and stamps,

S. B. 734, Requiring adoption of cloud computing services by state agencies,

S. B. 735, Clarifying department responsible for administration of certain programs,

And,

S. B. 739, Relating to moratorium on carbon capture agreements.

Messages from the Senate

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

Com. Sub. for H. B. 2380, Relating to School Building Authority.

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. 2283, Relating to authorized expenditures of revenues from certain state funds for fire departments.

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. 2759, Relating to updating the health care provider tax.

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. 3012, To encourage economic development regarding rare earth elements and critical minerals, as defined, by providing temporary severance tax relief.

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. 3299, Relating to Natural Resource Police Officer Retirement.

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. 3328, Authorizing the Hatfield-McCoy Regional Recreation Authority to contract to build and maintain trails on privately owned property.

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

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. 3511, Making a supplementary appropriation to the Department of Education, State Board of Education – School Lunch Program.

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

A message from the Senate, by

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

Com. Sub. for H. C. R. 2, U. S. Army Cpl. Billy F. Mann Memorial Bridge.

A message from the Senate, by

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

H. C. R. 4, U. S. Army MSG Jon D. Wayt Memorial Bridge.

A message from the Senate, by

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

H. C. R. 9, U. S. Army PFC Walter C. Horner Memorial Bridge.

A message from the Senate, by

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

H. C. R. 21, Michael Lee "Rube" Ruben Memorial Bridge.

A message from the Senate, by

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

H. C. R. 22, U.S. Army T/5 Doyle Bedell Taylor Memorial Bridge.

A message from the Senate, by

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

H. C. R. 24, U. S. Army PFC Herman H. Lucas Memorial Bridge.

A message from the Senate, by

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

H. C. R. 25, U. S. Marine Corps, PFC John Louis "Johnny" Brumbaugh, Jr. Memorial Bridge.

A message from the Senate, by

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

H. C. R. 26, U.S. Army SGT Samuel D. Roberts Sr. Memorial Bridge.

A message from the Senate, by

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

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

A message from the Senate, by

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

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

A message from the Senate, by

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

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

A message from the Senate, by

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

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

A message from the Senate, by

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

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

A message from the Senate, by

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

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

A message from the Senate, by

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

H. C. R. 62, U.S. Army PFC Clayton Collins Memorial Bridge.

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

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. 205, Relating to registration plates.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the title amendment of the House of Delegates and the passage, as amended, of

Com. Sub. for S. B. 267, Updating law regarding prior authorizations.

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

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

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. 463, Increasing validity of CDL instruction permit.

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 S. B. 476, Exempting managed care contracts from purchasing requirements.

A message from the Senate, by
The Clerk of the Senate, announced that the Senate had concurred in the changed effective date, to take effect July 1, 2023, of

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

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. 605, Requiring state medical examiner to enter into contracts with procurement organization.

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

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

Your Committee on Rules has had under consideration:

H. C. R. 52, Study the financial effects of raising the threshold from \$25,000 to \$50,000 for the requirement of bids for municipal, public service district, county and state public works project,

H. C. R. 57, Requesting Department of Economic Development to create a plan of incentives to encourage small businesses in highly regulated states to relocate to WV,

H. C. R. 59, Requesting a study to establish a motorsport events welcome center and implement a program to promote motorsport events in West Virginia,

H. C. R. 60, Requesting the Joint Committee on Government and Finance study the economic and tourism impacts creating a cross state biking and hiking trail,

H. C. R. 65, Requesting a study of the effects of eliminating the mandatory inspection of motor vehicles,

H. C. R. 66, Requesting a study on the effects of conservation easements,

H. C. R. 67, Requesting a study of the effects of using blockchain technology on vital public and government data security,

H. C. R. 68, Requesting a study on the effects of site preparedness on economic development,

H. C. R. 69, Requesting a study on the use of larger crews and continuous working hours on smaller roadway projects,

Com. Sub. for S. C. R. 4, US Navy S1 Ira "Noon" Copley and Marie Copley Memorial Bridge,

S. C. R. 8, US Army PV 2 Harold Richard Plumley Memorial Bridge,

Com. Sub. for S. C. R. 10, US Army Air Corps PVT Albert J Sutphin Memorial Highway,

Com. Sub. for S. C. R. 13, Wyant Brothers WWII Veterans Memorial Road,

And,

Com. Sub. for S. C. R. 16, US Army 1SG James Arnold Browning Memorial Bridge,

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

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

Your Committee on the Judiciary has had under consideration:

S. B. 674, Providing statutory recognition and appointment of board members for WV First Foundation,

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

At the respective requests of Delegate Householder, and by unanimous consent, the bill (S.B. 674) was 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:

S. B. 147, Creating pilot program for recovery residences in Cabell County,

Com. Sub. for S. B. 200, Allowing leashed dogs to track wounded elk, turkey, and wild boar when hunting,

Com. Sub. for S. B. 232, Creating study group to make recommendations regarding diversion of persons with disabilities from criminal justice system,

Com. Sub. for S. B. 534, Relating to nonintoxicating beer, nonintoxicating craft beer, cider, wine, and liquor license requirements,

S. B. 608, Correcting list of items which are considered deadly weapons,

Com. Sub. for S. B. 633, Requiring prompt appearances for persons detained on capiases,

And,

Com. Sub. for S. B. 647, Relating to substantiation of abuse and neglect allegations,

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

At the respective requests of Delegate Householder, and by unanimous consent, the bills (S. B. 147, Com. Sub. for S. B. 200, Com. Sub. for S. B. 232, Com. Sub. for S. B. 534, S. B. 608, Com. Sub. for S. B. 633 and Com. Sub. for S. B. 647) were taken up for immediate consideration, read a first time, and ordered to second reading.

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:

Com. Sub. for S. B. 617, Relating to Intellectual and Development Disabilities Waiver Program Workforce Study,

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

At the respective requests of Delegate Householder, and by unanimous consent, the bill (Com. Sub. for S. B. 617) was taken up for immediate consideration, read a first time, and ordered to second reading.

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:

Com. Sub. for S. B. 546, Adding and removing certain compounds from controlled substance list,

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

At the respective requests of Delegate Householder, and by unanimous consent, the bill (Com. Sub. for S. B. 546) was 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:

Com. Sub. for S. B. 409, Authorizing Department of Commerce to promulgate legislative rules,

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

At the respective requests of Delegate Householder, and by unanimous consent, the bill (Com. Sub. for S. B. 409) was 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:

Com. Sub. for S. B. 187, Making it felony offense for school employee or volunteer to engage in sexual contact with students,

Com. Sub. for S. B. 220, Industrial Hemp Development Act,

Com. Sub. for S. B. 361, Authorizing miscellaneous boards and agencies to promulgate legislative rules,

And,

Com. Sub. for S. B. 548, Clarifying what parties can redeem delinquent property and limiting those entitled to bid,

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

At the respective requests of Delegate Householder, and by unanimous consent, the bills (Com. Sub. for S. B. 187, Com. Sub. for S. B. 220, Com. Sub. for S. B. 361 and Com. Sub. for S. B. 548) were taken up for immediate consideration, read a first time, and ordered to second reading.

Messages from the Executive

The following proclamation by His Excellency, the Governor, was laid before the House and read by the Clerk:

STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT

Charleston

A PROCLAMATION

By the Governor

WHEREAS, the Constitution of West Virginia sets forth the respective powers, duties, and responsibilities of the three separate branches of government; and

WHEREAS, Article VI, Section 22 of the Constitution of West Virginia provides that the current regular session of the Legislature shall not exceed sixty calendar days computed from and including the second Wednesday of January two thousand twenty-three; and

WHEREAS, pursuant to Article VI, Section 22 of the Constitution of West Virginia, the two thousand twenty-three regular session of the Legislature is scheduled to conclude on the eleventh day of March, two thousand twenty-three; and

WHEREAS, Article VI, Section 51 of the Constitution of West Virginia sets forth the obligations of the Governor and the Legislature relating to the preparation and enactment of the Budget Bill; and

WHEREAS, Subsection D, Article VI, Section 51 of the Constitution of West Virginia requires the Governor to issue a proclamation extending the regular session of the Legislature if the Budget Bill shall not have been finally acted upon by the Legislature three days before the expiration of its regular session; and

WHEREAS, the Budget Bill has not been finally acted upon by the Legislature as of this eighth day of March, two thousand twenty-three.

NOW, THEREFORE, I, JIM JUSTICE, Governor of the State of West Virginia, do hereby issue this Proclamation, in accordance with Subsection D, Article VI, Section 51 of the Constitution of West Virginia, extending the two thousand twenty-three regular session of the Legislature for an additional period not to exceed one day, through and including the twelfth day of March, two thousand twenty-three; but no matters other than the Budget Bill shall be considered during this extension of the regular session, except a provision for the cost thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of Charleston, State of West Virginia, on this the eighth Day of March, in the Year of our Lord, Two Thousand Twenty-Three, and in the One Hundred Sixtieth Year of the State.

James Justice,
Governor.

By the Governor

Mac Warner
Secretary of State

Leaves of Absence

At the request of Delegate Householder, and by unanimous consent, leaves of absence for the day were granted Delegates Mallow and Nestor.

At 6:59 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, March 9, 2023.

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

SPECIAL CALENDAR

Thursday, March 9, 2023

58th Day

11:00 A. M.

UNFINISHED BUSINESS

- Com. Sub. for S. C. R. 4 - US Navy S1 Ira "Noon" Copley and Marie Copley Memorial Bridge
- S. C. R. 8 - US Army PV 2 Harold Richard Plumley Memorial Bridge
- Com. Sub. for S. C. R. 10 - US Army Air Corps PVT Albert J Sutphin Memorial Highway
- Com. Sub. for S. C. R. 13 - Wyant Brothers WWII Veterans Memorial Road
- Com. Sub. for S. C. R. 16 - US Army 1SG James Arnold Browning Memorial Bridge
- H. C. R. 52 - Study the financial effects of raising the threshold from \$25,000 to \$50,000 for the requirement of bids for municipal, public service district, county and state public works project.
- H. C. R. 57 - Requesting Department of Economic Development to create a plan of incentives to encourage small businesses in highly regulated states to relocate to WV
- H. C. R. 59 - Requesting a study to establish a motorsport events welcome center and implement a program to promote motorsport events in West Virginia
- H. C. R. 60 - Requesting the Joint Committee on Government and Finance study the economic and tourism impacts creating a cross state biking and hiking trail.
- H. C. R. 65 - Requesting a study of the effects of eliminating the mandatory inspection of motor vehicles
- H. C. R. 66 - Requesting a study on the effects of conservation easements
- H. C. R. 67 - Requesting a study of the effects of using blockchain technology on vital public and government data security.
- H. C. R. 68 - Requesting a study on the effects of site preparedness on economic development.
- H. C. R. 69 - Requesting a study on the use of larger crews and continuous working hours on smaller roadway projects.

THIRD READING

- S. B. 146 - Modifying regulations of peer-to-peer car sharing program (CAPITO) (REGULAR)
- 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)
- S. B. 244 - Making rosters of individuals who obtain professional, occupational, and trade licenses, registrations, and certificates available to public (PHILLIPS) (REGULAR)
- Com. Sub. for S. B. 273 - Relating to allocation of child protective workers in counties based upon population of county (SUMMERS) (EFFECTIVE FROM PASSAGE)
- 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)
- 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. 559 - Relating to spousal privilege (CAPITO) (REGULAR)
- Com. Sub. for S. B. 613 - Relating generally to certificates of need (SUMMERS) (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)

SECOND READING

- Com. Sub. for S. B. 47 - Creating Charter Schools Stimulus Fund (ELLINGTON) (REGULAR)
- Com. Sub. for S. B. 121 - Creating Student Journalist Press Freedom Protection Act (CAPITO) (REGULAR)
- S. B. 147 - Creating pilot program for recovery residences in Cabell County (CAPITO) (EFFECTIVE FROM PASSAGE) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 187 - Making it felony offense for school employee or volunteer to engage in sexual contact with students (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 200 - Allowing leashed dogs to track wounded elk, turkey, and wild boar when hunting (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 220 - Industrial Hemp Development Act (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 232 - Creating study group to make recommendations regarding diversion of persons with disabilities from criminal justice system (CAPITO) (EFFECTIVE FROM PASSAGE) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- S. B. 240 - Requiring state board of examination or registration proceedings to be open to public inspection (PHILLIPS) (REGULAR) [GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 247 - Making administrative appeals and judicial review of board action subject to provisions of Administrative Procedures Act (CAPITO) (REGULAR)
- Com. Sub. for S. B. 258 - Eliminating ceiling on fair market value of consumer goods and permitting dealer to require security deposit (CAPITO) (REGULAR)
- Com. Sub. for S. B. 271 - Modifying approval process requirements for First Responders Honor Board (PHILLIPS) (REGULAR)
- Com. Sub. for S. B. 293 - Increasing fees charged by sheriff (CRISS) (REGULAR) [FINANCE COMMITTEE AMENDMENT PENDING]

- Com. Sub. for S. B. 298 - Relating to non-federally declared emergencies and non-states of emergency (CAPITO) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 302 - Relating to Law Enforcement Safety Act (CAPITO) (REGULAR)
- Com. Sub. for S. B. 361 - Authorizing miscellaneous boards and agencies to promulgate legislative rules (CAPITO) (EFFECTIVE FROM PASSAGE) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 409 - Authorizing Department of Commerce to promulgate legislative rules (CAPITO) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 422 - Requiring public schools to publish curriculum online at beginning of each new school year (ELLINGTON) (REGULAR) [EDUCATION COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 426 - Banning use of certain products and platforms deemed unsafe or high risk on government systems (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- S. B. 443 - Directing payment of estate administration fee to State Auditor (CRISS) (JULY 1, 2023)
- S. B. 444 - Transferring moneys in WV Future Fund to General Revenue Fund (CRISS) (JULY 1, 2023)
- S. B. 446 - Removing methanol and methanol fuel from definition of special fuel (CRISS) (JULY 1, 2023)
- Com. Sub. for S. B. 461 - Relating to WV public employees grievance procedure (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 469 - Providing funding for CPR instruction to high school students (CRISS) (REGULAR)
- Com. Sub. for S. B. 495 - Providing correctional institutions and juvenile facilities video and audio records be confidential (CAPITO) (EFFECTIVE FROM PASSAGE) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- S. B. 508 - Clarifying reporting and disclosure requirements for grassroots lobbying expenditures (CAPITO) (REGULAR)
- Com. Sub. for S. B. 516 - Relating to requirements for disclosure of donor contributions (CAPITO) (REGULAR)
- Com. Sub. for S. B. 522 - Allocating percentage of county excise taxes for funding improvements to election administration (CRISS) (REGULAR)
- Com. Sub. for S. B. 523 - Clarifying purpose and use of Economic Development Project Fund (CRISS) (REGULAR)
- Com. Sub. for S. B. 527 - Allowing family members of military personnel access to discharge records (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. 534 - Relating to nonintoxicating beer, nonintoxicating craft beer, cider, wine, and liquor license requirements (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- S. B. 544 - Increasing power purchase agreement cap (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 546 - Adding and removing certain compounds from controlled substance list (SUMMERS) (REGULAR)
- Com. Sub. for S. B. 548 - Clarifying what parties can redeem delinquent property and limiting those entitled to bid (CAPITO) (REGULAR)) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 561 - Relating to administration of WV Drinking Water Treatment Revolving Fund Act (CRISS) (REGULAR)
- Com. Sub. for S. B. 568 - Relating to Dangerousness Assessment Advisory Board (CAPITO) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 573 - Relating to child support guidelines and Support Enforcement Commission (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 579 - Providing payment to vendors who provided services to state (CRISS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 593 - Mandating cost of living salary adjustment policy for state employees (CRISS) (REGULAR) [FINANCE COMMITTEE AMENDMENT PENDING]
- S. B. 608 - Correcting list of items which are considered deadly weapons (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 617 - Relating to Intellectual and Development Disabilities Waiver Program Workforce Study (SUMMERS) (REGULAR) [HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 631 - Updating administration, funding, and requirements for federal elections held in WV (CAPITO) (REGULAR)
- Com. Sub. for S. B. 633 - Requiring prompt appearances for persons detained on capiases (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 647 - Relating to substantiation of abuse and neglect allegations (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]

- Com. Sub. for S. B. 661 - Clarifying preferential recall rights for employees sustaining compensable injury (PHILLIPS) (REGULAR) [GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 665 - Amending licensure requirements for massage therapist (PHILLIPS) (REGULAR)
- S. B. 674 - Providing statutory recognition and appointment of board members for WV First Foundation (CAPITO) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 677 - Clarifying role and responsibilities of State Resiliency Officer (CRISS) (EFFECTIVE FROM PASSAGE) [FINANCE COMMITTEE AMENDMENT PENDING]
- S. B. 678 - Adding appropriations to DHHR, Division of Human Services (CRISS) (EFFECTIVE FROM PASSAGE)
- S. B. 733 - Relating to wildlife licenses and stamps (PHILLIPS) (REGULAR)
- S. B. 734 - Requiring adoption of cloud computing services by state agencies (PHILLIPS) (REGULAR)
- S. B. 735 - Clarifying department responsible for administration of certain programs (PHILLIPS) (REGULAR) [GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING]
- S. B. 737 - Emergency Medical Services Act (CRISS) (REGULAR) [FINANCE COMMITTEE AMENDMENT PENDING]
- S. B. 739 - Relating to moratorium on carbon capture agreements (ANDERSON) (EFFECTIVE FROM PASSAGE) [ENERGY AND MANUFACTURING COMMITTEE AMENDMENT PENDING]
- S. B. 740 - Relating to compensation and expense reimbursement for members of Legislature (CRISS) (REGULAR) [FINANCE COMMITTEE AMENDMENT PENDING]
- Com. Sub. for H. B. 2883 - Making a supplemental appropriation from the Coronavirus State Fiscal Recovery Fund (CRISS) (EFFECTIVE FROM PASSAGE)

HOUSE CALENDAR

Thursday, March 9, 2023

58th 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]
- Com. Sub. for S. B. 462 - Modifying certain guidelines for motor vehicle dealers, distributors, wholesalers, and manufacturers (CAPITO) (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

S. B. 262 - Allowing students to transfer schools and retain athletic eligibility (ELLINGTON) (REGULAR) [EDUCATION COMMITTEE AMENDMENT PENDING]

Com. Sub. for S. B. 467 - Providing county commissioners ongoing mechanism to consider compensation increases for elected officials every two years (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

THURSDAY, MARCH 9, 2023

HOUSE CONVENES AT 11:00 A.M.

**COMMITTEE ON HEALTH AND HUMAN RESOURCES
9:00 A.M. – ROOM 215-E**

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

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