

**JOURNAL**  
**OF THE**  
**HOUSE OF DELEGATES**  
**EIGHTY-SIXTH**  
**LEGISLATURE**  
**OF**  
**WEST VIRGINIA**



**VOLUME I**  
**REGULAR SESSION, 2023**

WEST VIRGINIA HOUSE OF DELEGATES  
**HONORABLE ROGER HANSHAW**  
SPEAKER OF THE HOUSE

\*\*\*\*\*

COMPILED AND PUBLISHED  
UNDER THE DIRECTION  
OF

**STEPHEN J. HARRISON**  
CLERK OF THE HOUSE



**OFFICE OF THE CLERK OF THE HOUSE**  
STATE CAPITOL  
CHARLESTON, WEST VIRGINIA

\*\*\*\*\*

BO HOOVER  
Sr. Assistant Clerk/Parliamentarian

Robert Altmann  
Assistant Clerk/Bills

Lynn Lewis  
Assistant Clerk/Journal

Anne Landgrebe  
Administrative Clerk

Lori Skull  
Operations Clerk

## TABLE OF CONTENTS

---

### VOLUME I

---

|                                                                                                                                                                                                                                 |      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| Members and officers of the House of Delegates .....                                                                                                                                                                            | V    |
| Members and officers of the Senate.....                                                                                                                                                                                         | VII  |
| Standing committees of the House.....                                                                                                                                                                                           | IX   |
| Standing committees of the Senate .....                                                                                                                                                                                         | XIII |
| Schedule showing legislative and calendar days.....                                                                                                                                                                             | XVII |
| Journal of proceedings                                                                                                                                                                                                          |      |
| (Regular Session, 2023) Vol. I .....                                                                                                                                                                                            | 1    |
| (Regular Session, 2023) <i>See</i> Vol. II .....                                                                                                                                                                                | 1375 |
| (Regular Session, 2023) <i>See</i> Vol. III .....                                                                                                                                                                               | 2745 |
| (First Extraordinary Session, 2023) <i>See</i> Vol. III .....                                                                                                                                                                   | 3215 |
| Index .....                                                                                                                                                                                                                     | 3373 |
| (This index is arranged as follows: Delegates, etc., House Bills,<br>House Concurrent Resolutions, House Joint Resolutions, House<br>Resolutions, Senate Bills, Senate Concurrent Resolutions and Senate<br>Joint Resolutions.) |      |
| Topical Index .....                                                                                                                                                                                                             | 3566 |
| (This is an index by subject to all House Bills introduced for the Regular Session.)                                                                                                                                            |      |
| Disposition of bills enacted.....                                                                                                                                                                                               | 3673 |
| Appendix .....                                                                                                                                                                                                                  | 3684 |



# MEMBERS OF THE HOUSE

## REGULAR SESSION, 2023

### OFFICERS

*Speaker:* Roger Hanshaw - Wallback  
*Clerk:* Stephen J. Harrison - Cedar Grove  
*Sergeant-at-Arms:* Marshall Clay - Fayetteville  
*Doorkeeper:* Robert W. Stewart - Cross Lanes

| Name                          | District | City           | Occupation                       | Term                                  |
|-------------------------------|----------|----------------|----------------------------------|---------------------------------------|
| Adkins, David (R)             | 30th     | Hamlin         | Business Owner                   | 86th                                  |
| Anderson, Bill (R)            | 10th     | Williamstown   | Educator                         | 71st - 86th                           |
| Barnhart, Trenton (R)         | 9th      | St. Marys      | Community Banker                 | Appt. 9/17/2019, 84th-86th            |
| Barrett, Jason (R)            | 61st     | Martinsburg    | Restaurant owner                 | 81st; 83rd - 85th                     |
| Bates, Mick (R)               | 30th     | Beckley        | Physical therapist               | 85th-86th                             |
| Bridges Jordan (R)            | 33th     | Logan          | Small Business Owner             | 82nd - 85th                           |
| Brooks, Eric. (R)             | 45nd     | Mt. Hope       | Coal Miner                       | 85th-86th                             |
| Burkhammer, Adam (R)          | 64th     | Horner         | Retired                          | 85th-86th                             |
| Butler, Jim (R)               | 18th     | Henderson      | Business Owner                   | 85th-86th                             |
| Cannon, Jarred (R)            | 18th     | Henderson      | Contractor                       | 80th-83rd, 85th-86th                  |
| Cannon, Jarred (R)            | 21st     | Hurricane      | Business Owner                   | 86th                                  |
| Capito, Moore (R)             | 55th     | Charleston     | Attorney                         | 83rd - 86th                           |
| Clark, Wayne (R)              | 65th     | Charles Town   | Business Owner                   | 85th - 86th                           |
| Cooper, Roy (R)               | 40th     | Wayside        | Retired U. S. Navy               | 81st - 86th                           |
| Coop-Gonzalez (R)             | 67th     | Elkins         | College Student                  | 86th                                  |
| Criss, Vernon (R)             | 12th     | Parkersburg    | Executive                        | 69th; 83rd - 86th                     |
| Crouse, Kathie Hess (R)       | 19th     | Buffalo        | Executive                        | Appt. 12/2/2021, 85th-86th            |
| Dean, Mark (R)                | 34th     | Verner         | Principal                        | 83rd - 86th                           |
| Devault, Mike (R)             | 74th     | Fairmont       | Business Owner                   | 86th                                  |
| Dillon, Henry (R)             | 29th     | Naugatuck      | Educator                         | 86th                                  |
| Dittman, Lori (R)             | 63rd     | Gassaway       | Teacher                          | 86th                                  |
| Ellington, Joe (R)            | 38th     | Princeton      | Small Business Owner             | 86th                                  |
| Espinosa, Paul (R)            | 98th     | Charles Town   | Physician                        | 80th-86th                             |
| Espinosa, Paul (R)            | 98th     | Charles Town   | Public Affairs Manager           | 81st - 86th                           |
| Fast, Tom (R)                 | 51st     | Fayetteville   | Attorney                         | 82nd - 86th                           |
| Fehrenbacher (R)              | 11th     | Vienna         | Retired Executive                | 86th                                  |
| Ferrell, Dana (R)             | 60th     | Sissonville    | Business Owner                   | 85th-86th                             |
| Fluharty, Shawn (D)           | 5th      | Wheeling       | Attorney                         | 82nd - 86th                           |
| Foggin, Dave                  | 14th     | Belleville     | Teacher                          | 86th                                  |
| Forsh, Don (R)                | 91th     | Gerrardstown   | Construction and                 | 86th                                  |
| Forsh, Don (R)                | 91th     | Gerrardstown   | Property Management              | 85th-86th                             |
| Foster, Geoff (R)             | 20th     | Winfield       | Construction Supply              | 82nd - 86 <sup>th</sup>               |
| Garcia, Joey (D)              | 76th     | Fairmont       | Attorney                         | 85th-86th                             |
| Gearheart, Marty (R)          | 37th     | Bluefield      | Businessman                      | 80th – 83rd; 85th-86th                |
| Green, David (R)              | 36th     | Iaeger         | Business Owner                   | Appt. 1/29/2024 <sup>1</sup> , 86th   |
| Griffith, Ric (D)             | 27th     | Kenova         | Pharmacist                       | 85th                                  |
| Hall, Anita (R)               | 36th     | Welch          | Small Business Owner             | Resigned 1/7/2024 <sup>1</sup> , 85th |
| Hall, Walter (R)              | 58th     | Kanawha        | Insurance Agent                  | 86th                                  |
| Hanna, Caleb (R)              | 48th     | Richwood       | Full-time Student                | 84th - 86th                           |
| Hansen, Evan (D)              | 79th     | Richwood       | President, Downstream Strategies | 84th - 86th                           |
| Hanshaw, Roger (R)            | 62nd     | Wallback       | Attorney                         | 82nd - 86th                           |
| Hardy, John (R)               | 97th     | Shepherdstown  | Businessman                      | 84th - 86th                           |
| Heckert, Scot (R)             | 13th     | Parkersburg    | Businessman                      | 86th                                  |
| Hillenbrand, Rick (R)         | 88th     | Romney         | Retired Naval Engineer           | 86th                                  |
| Hite, Michael (R)             | 92nd     | Martinsburg    | Business Owner                   | 86th                                  |
| Holstein, Josh (R)            | 32nd     | Ashford        | Businessman                      | 86th                                  |
| Honaker, Mike (R)             | 46th     | Lewisburg      | Homeland Security Director       | 86th                                  |
| Hornbuckle, Sean (D)          | 25th     | Huntington     | Financial Advisor                | 82nd - 86th                           |
| Hornby, Mike (R)              | 93rd     | Martinsburg    | CEO                              | 86th                                  |
| Horst, Charles K. "Chuck" (R) | 95th     | Falling Waters | Business Owner                   | 85th-86th                             |
| Hott II, John Paul (R)        | 85th     | Petersburg     | Insurance                        | 86th                                  |
| Hott II, John Paul (R)        | 85th     | Petersburg     | Disposal Service                 | 84th - 86th                           |
| Householder, Eric L. (R)      | 96th     | Martinsburg    | Business Owner                   | 80th - 86th                           |

## MEMBERS OF THE HOUSE OF DELEGATES - Continued

|                                 |       |                  |                                |                                                                    |
|---------------------------------|-------|------------------|--------------------------------|--------------------------------------------------------------------|
| Howell, Gary G. (R)             | 87th  | Keyser           | Business Owner                 | 80th - 86th                                                        |
| Jeffries, Dean (R)              | 61st  | Elkview          | Insurance Agent                | Appt. 9/5/2018, 83 <sup>rd</sup> ; 84th - 86th                     |
| Jennings, D. "Buck" Rolland (R) | 84th  | Thornton         | Self-Employed                  | Appt. 10/10/2017, 83rd; 84th - 86th                                |
| Keaton, N. Riley (R)            | 15th  | Spencer          | Youth Camping Ministry         | 85th-86th                                                          |
| Kelly, David (R)                | 8th   | Sistersville     | Pastor                         | 84th - 86th                                                        |
| Kimble, Laura (R)               | 71st  | Bridgeport       | Homemaker                      | 85th-86th                                                          |
| Kirby, Todd (R)                 | 44th  | Beckley          | Attorney                       | 86th                                                               |
| Kump, Larry (R)                 | 94th  | Falling Waters   | Retired Public Administrator   | 80th-81st, 84th-86th                                               |
| Linville, Daniel (R)            | 22th  | Milton           | Information Technology Officer | Appt. 8/1/2018, 83rd; 84th - 86th                                  |
| Longanacre, Todd (R)            | 47nd  | Caldwell         | Retired Army                   | 85th-86th                                                          |
| Lucas, Patrick (R)              | 24th  | Barboursville    | Business Owner                 | 86th                                                               |
| Mallow, Phil (R)                | 75th  | Fairmont         | Retired UPS Management         | 85th-86th                                                          |
| Marple, Keith (R)               | 69th  | Lost Creek       | Retired                        | 86th                                                               |
| Martin, Carl "Robbie" (R)       | 65th  | Buckhannon       | Business Owner                 | 84th - 86th                                                        |
| Maynor, Jordan (R)              | 41st  | Beaver           | Business Executive             | 86th                                                               |
| Mazzocchi, Margitta (R)         | 31st  | Chapmanville     | Business Owner                 | 85th                                                               |
| McGeehan, Pat (R)               | 1st   | Chester          | Business Management/Author     | 79th; 82nd - 86th                                                  |
| Miller, George A. (R)           | 90th  | Berkeley Springs | Retired Maintenance Supervisor | 85th-86th                                                          |
| Nestor, William "Ty" (R)        | 43rd  | Elkins           | Lawyer                         | 85th-86th                                                          |
| Petitto, Mickey (R)             | 70th  | Clarksburg       | Accountant                     | 86th                                                               |
| Phillips, Chris (R)             | 68th  | Buckhannon       | President, CGP Foods, Inc.     | 84th - 86th                                                        |
| Pinson, Jonathan Adam (R)       | 17th  | Point Pleasant   | Pastor                         | 85th-86th                                                          |
| Pritt, Chris (R)                | 53rd  | Charleston       | Lawyer                         | 85th-86th                                                          |
| Pritt, David Elliott (R)        | 50th  | Oak Hill         | Teacher                        | 86th                                                               |
| Pushkin, Mike (D)               | 54th  | Charleston       | Taxi Driver/Musician           | 82nd - 86th                                                        |
| Reynolds, Charlie (R)           | 6th   | Moundsville      | Railroad Terminal Manager      | 85th-86th                                                          |
| Ridenour, Bill (R)              | 100th | Harpers Ferry    | Retired Marine Corp Officer    | 86th                                                               |
| Riley, Clay (R)                 | 72nd  | Shinnston        | Professional Engineer          | 85th-86th                                                          |
| Rohrbach, Matthew (R)           | 26th  | Huntington       | Physician                      | 82nd - 86th                                                        |
| Rowe, Larry L. (D)              | 36th  | Charleston       | Attorney                       | 73rd - 74th (House)<br>75th - 76th (Senate)<br>82nd - 86th (House) |
| Shamblin, Andy (R)              | 59th  | Nitro            | Teacher and Minister           | 86th                                                               |
| Sheedy Sr., Charles (R)         | 7th   | Cameron          | Retired                        | 86th                                                               |
| Skaff, Doug (D)                 | 35th  | South Charleston | Business Owner                 | 79th - 81st; 84th - 86th                                           |
| Smith, Doug (R)                 | 39th  | Princeton        | Retired Army                   | 85th-86th                                                          |
| Statler, Joe (R)                | 77th  | Core             | Retired                        | 82nd - 83rd; 85th-86th                                             |
| Steele, Brandon (R)             | 42nd  | Beckley          | Attorney                       | 84th - 86th                                                        |
| Storch, Erikka (R)              | 4th   | Wheeling         | Financial Officer              | 80th - 86th                                                        |
| Street, George (R)              | 83rd  | Masontown        | Explosive Ordinance Technician | 86th                                                               |
| Summers, Amy (R)                | 73rd  | Flemington       | Registered Nurse               | 82nd - 86th                                                        |
| Thorn, Darren (R)               | 89th  | Romney           | Farmer                         | 86th                                                               |
| Thompson, Cody (D)              | 43rd  | Elkins           | Educator                       | 84th - 86th                                                        |
| Toney, Christopher Wayne (R)    | 43rd  | Beckley          | School Bus Operator            | 84th - 86th                                                        |
| Tully, Heather (R)              | 49th  | Summersville     | Family Nurse Practitioner      | Appt. 6/17/2020, 84th-86th                                         |
| Vance, Adam (R)                 | 35th  | Brenton          | Coal Miner                     | 86th                                                               |
| Walker, Danielle (D)            | 81st  | Morgantown       | Direct Care Worker             | 84th - 86th                                                        |
| Ward, Bryan C. (R)              | 86th  | Fisher           | Retired Sheriff                | 85th-86th                                                          |
| Warner, Debbie (R)              | 82nd  | Morgantown       | Real Estate Agent              | 86th                                                               |
| Westfall, Steve (R)             | 16th  | Ripley           | Insurance Agents               | 81st - 86th                                                        |
| Williams, John (D)              | 80th  | Morgantown       | Insurance Sales                | 83rd - 86th                                                        |
| Willis, Jimmy (R)               | 3rd   | Bethany          |                                | 86th                                                               |
| Worrell, Evan (R)               | 23rd  | Barboursville    | Healthcare Data Analytics      | 84th - 86th                                                        |
| Young, Kayla (D)                | 56th  | South Charleston | Entrepreneur                   | 85th-86th                                                          |
| Zatezalo, Mark (R)              | 2nd   | Weirton          | Hydrogeologist                 | 82nd - 83rd; 85th-86th                                             |

<sup>1</sup>David Green appointed January 29, 2024 to fill the vacancy created by the January 7, 2024 resignation of Anita Hall.

# MEMBERS OF THE SENATE

## REGULAR SESSION, 2023

### OFFICERS

*President:* Craig P. Blair - Martinsburg  
*Clerk:* Bruce Lee Cassis, Jr. - Charleston  
*Sergeant-at-Arms:* David Lavender - Hurricane  
*Doorkeeper:* Jeffrey L. Branham - Cross Lanes

| Name                            | District | City             | Occupation                           | Term                                                |
|---------------------------------|----------|------------------|--------------------------------------|-----------------------------------------------------|
| Azinger, Michael T. (R).....    | 3rd      | Vienna           | Manager.....                         | 82nd (House); 83rd – 86th                           |
| Barrett, Jason (R).....         | 16th     | Martinsburg      | Restaurant Owner .....               | 81st, 83rd-84th (House); 86th                       |
| Boley, Donna J. (R).....        | 3rd      | St. Marys        | Retired.....                         | Appt. May 14, 1985, 67th; 68th – 86th               |
| Caputo, Mike (D).....           | 13th     | Rivesville       | UMWA District 31 Vice President..... | 73rd -84th (House); 85th-86th                       |
| Chapman, Laura W (R).....       | 1st      | Wheeling         | Constitutional Lawyer.....           | 86th                                                |
| Clements, Charles H. (R)....    | 2nd      | New Martinsville | Retired.....                         | 77th (House); Appt. Jan. 28, 2017, 83rd; 84th- 86th |
| Deeds, Vince (R).....           | 10th     | Renick           | Attorney .....                       | 86th                                                |
| Grady, Amy N. (R).....          | 4th      | Leon             | Teacher.....                         | 85th-86th                                           |
| Hamilton, Bill (R).....         | 11th     | Buckhannon       | Retired.....                         | 76th-83rd (House); 84th – 86th                      |
| Hunt, Mark (R).....             | 8th      | Charleston       | Attorney .....                       | 71st-74th, 76th, 79th-80th (House); 86th            |
| Jeffries, Glenn D. (D).....     | 8th      | Red House        | Businessman.....                     | 83rd - 86th                                         |
| Karnes, Robert L. (R).....      | 11th     | Helvetia         | .....                                | 82nd – 83rd; 85th-86th                              |
| Maroney, Michael J. (R).....    | 2nd      | Glen Dale        | Physician.....                       | 83rd - 86th                                         |
| Martin, Patrick (R).....        | 12th     | Weston           | Business Owner .....                 | 83rd – 84 <sup>th</sup> (House); 85th-86th          |
| Maynard, Mark R. (R).....       | 6th      | Genoa            | Automobile Dealer .....              | 82nd - 86th                                         |
| Nelson, Eric (R).....           | 17th     | Charleston       | Financial Consultant .....           | 80th – 84th (House); 85th-86th                      |
| Oliverio, Michael (R).....      | 13th     | Morgantown       | Businessman.....                     | 71st (House); 77nd-77th, 86th                       |
| Phillips, Rupert W., Jr (R)...  | 7th      | Lorado           | Sales Manager .....                  | 80th – 83rd (House); 85th-86th                      |
| Plymale, Robert H. (D).....     | 5th      | Huntington       | Businessman.....                     | 71st - 85th-86th                                    |
| Queen, Ben (R).....             | 12th     | Bridgeport       | Business Owner.....                  | 83rd-84th (House); 86th                             |
| Roberts, Rollan (R).....        | 9th      | Raleigh          | Minister .....                       | 84th – 86th                                         |
| Rucker, Patricia Puertas (R)... | 16th     | Harpers Ferry    | Home Schooling Mother .....          | 83rd - 86th                                         |
| Smith, Randy E. (R).....        | 14th     | Davis            | Coal Miner .....                     | 81st - 82nd (House); 83rd - 86th                    |
| Stover, David (R).....          | 9th      | Mullens          | Circuit Clerk .....                  | 85th-86th                                           |
| Stuart, Mike (R).....           | 7th      | South Charleston | Attorney .....                       | 86th                                                |
| Swope, Chandler (R).....        | 6th      | Mercer           | Retired.....                         | 83rd-86th                                           |
| Takubo, Tom (R).....            | 17th     | Charleston       | Physician.....                       | 82nd - 86th                                         |
| Tarr, Eric J. (R).....          | 4th      | Putnam           | Business Owner.....                  | 84th – 86th                                         |
| Trump IV, Charles S. (R)....    | 15th     | Berkeley Springs | Attorney .....                       | 71st - 77th (House); 82nd - 86th                    |
| Weld, Ryan W. (R).....          | 1st      | Wellsburg        | Attorney .....                       | 82nd (House); 83rd - 86th                           |
| Woelfel, Michael A. (D).....    | 5th      | Huntington       | Lawyer .....                         | 82nd – 86th                                         |
| Woodrum, Jack David (R)...      | 10th     | Hinton           | Funeral Director.....                | 86th                                                |





## HOUSE OF DELEGATES COMMITTEES

### COMMITTEES OF THE HOUSE OF DELEGATES

---

#### STANDING

---

#### AGRICULTURE AND NATURAL RESOURCES

Nestor (Chair, *Agriculture*), Horst (Chair, *Natural Resources*), Miller (Vice Chair, *Agriculture*), Nestor (Vice Chair, *Natural Resources*), Griffith (Minority Chair, *Agriculture*), Hansen (Minority Chair, *Natural Resources*), Evans (Minority Vice Chair, *Agriculture*), Bridges, Burkhammer, Cooper, DeVault, Dillon, Dittman, Foggin, Hornby, Longanacre, Marple, Phillips, Ross, Smith, Statler, Street, Thorne, Vance, Walker, Ward, Worrell

#### BANKING AND INSURANCE

Barnhart (Chair, *Banking*), Westfall (Chair, *Insurance*), Hott (Vice Chair, *Banking and Insurance*), Rowe (Minority Chair), Williams (Minority Vice Chair), Cannon, Capito, Coop-Gonzalez, Criss, Crouse, Ellington, Espinosa, Fehrenbacher, Foggin, Garcia, W. Hall, Hardy, Hornby, Householder, Jeffries, Linville, C. Pritt, Riley, Storch, Thorne

#### ECONOMIC DEVELOPMENT AND TOURISM

Howell (Chair), Clark (Vice Chair), Skaff (Minority Chair), Hornbuckle (Minority Vice Chair), Cannon, DeVault, Dittman, Fehrenbacher, Ferrell, A. Hall, W. Hall, Hanna, Hornby, Kirby, Lucas, Marple, Nestor, Petitto, Pinson, E. Pritt, Sheedy, Storch, Street, Thorne, Willis

#### EDUCATION

Ellington (Chair), Statler (Vice Chair), Toney (Vice Chair), Hornbuckle (Minority Chair), Pritt (Minority Vice Chair), Chiarelli, Clark, Dillon, Dittman, Ferrell, Foggin, A. Hall, Hornby, Jennings, Kimble, Longanacre, Lucas, Mazzocchi, Ridenour, Ross, Smith, Thorne, Tully, Walker, Willis

## HOUSE OF DELEGATES COMMITTEES

### **ENERGY AND MANUFACTURING**

Anderson (Chair), Zatezalo (Vice Chair), Hansen (Minority Chair), Young (Minority Vice Chair), Barnhart, Bridges, Cooper, Coop-Gonzalez, Crouse, DeVault, Dillon, Fehrenbacher, Foggin, Heckert, Holstein, Horst, Hott, Reynolds, Rowe, Sheedy, Street, Vance, Warner, Westfall, Worrell

### **FINANCE**

Criss (Chair), Zatezalo (Vice Chair), Rowe (Minority Chair), Williams (Minority Vice Chair), Anderson, Barnhart, Ellington, Espinosa, Ferrell, Gearheart, Hite, Horst, Hott, Howell, Jeffries, Linville, Mazzocchi, Reynolds, Riley, Rohrbach, Skaff, Statler, Storch, Summers, Toney

### **FIRE DEPARTMENTS AND EMERGENCY MEDICAL SERVICES**

Mallow (Chair), Riley (Vice Chair), Pritt (Minority Chair), Garcia (Minority Vice Chair), Burkhammer, Chiarelli, Dean, DeVault, Dillon, Ferrell, Heckert, Honaker, Jennings, Pindon, ross, Shamblin, Statler, Thorne, Tully, Vance, Walker, Ward, Warner, Willis, Worrell

### **GOVERNMENT ORGANIZATION**

Phillips (Chair), McGeehan (Vice Chair), Young (Minority Chair), Pushkin (Minority Vice Chair), Adkins, Bridges, Brooks, Chiarelli, Crouse, Dean, Fast, Forsht, Griffith, Heckert, Hillenbrand, Honaker, Longanacre, Mallow, Martin, C. Pritt, Ross, Shamblin, Smith, Vance, Worrell

### **HEALTH AND HUMAN RESOURCES**

Summers (Chair), Tully (Vice Chair), Pushkin (Minority Chair), Griffith (Minority Vice Chair), Barnhart, Cannon, Cooper, Dittman, Foggin, Forsht, Hardy, Heckert, Hite, Jeffries, Jennings, Kelly, Miller, Petitto, Reynolds, Rohrbach, Shamblin, Sheedy, Toney, Walker, Westfall

## HOUSE OF DELEGATES COMMITTEES

### **JUDICIARY**

Capito (Chair), Fast (Vice Chair), Garcia (Minority Chair), Fluharty (Minority Vice Chair), Foster, Hansen, Hillenbrand, Honaker, Kelly, Kimble, Kirby, Kump, Mallow, Marple, Martin, Nestor, Phillips, C. Pritt, Ridenour, Shamblin, Steele, Ward, Warner, Westfall, Zatezalo

### **PENSIONS AND RETIREMENT**

Storch (Chair), C. Pritt (Vice Chair), Hornbuckle (Minority Chair), C. Pritt (Minority Vice Chair), Anderson, Kump, Marple

### **POLITICAL SUBDIVISIONS**

Martin (Chair), Forsht (Vice Chair), Williams (Minority Chair), Hansen (Minority Vice Chair), Anderson, Barnhart, Brooks, Clark, Coop-Gonzalez, Dean, Foster, A. Hall, W. Hall, Hanna, Hardy, Hite, Holstein, Howell, Maynor, Mazzocchi, Miller, Phillips, Pritt, Rowe, Shamblin

### **RULES**

Hanshaw (Chair), Householder (Vice Chair), Skaff (Minority Chair), Fluharty (Minority Vice Chair), Anderson, Capito, Criss, Ellington, Espinosa, Gearheart, Hardy, Howell, Killy, Linville, Phillips, Riley, Rohrbach, Storch, Summers, Westfall

### **SENIOR, CHILDREN, AND FAMILY ISSUES**

Mazzocchi (Chair), Petitto (Vice Chair), Griffith (Minority Chair), Rowe (Minority Vice Chair), Adkins, Bridges, Chiarelli, Dean, Dillon, A. Hall, W. Hall, Hanna, Hite, Holstein, Keaton, Kimble, Kirby, Lucas, Martin, Pinson, Rohrbach, Sheedy, Toney, Tully, Walker

### **SUBSTANCE ABUSE**

Rohrbach (Chair), Fehrenbacher (Vice Chair), Butler, Ellington, Gearheart, Hanna, Holstein, Keaton, Kelly, Maynor, Pushkin

## HOUSE OF DELEGATES COMMITTEES

### TECHNOLOGY AND INFRASTRUCTURE

Linville (Chair), Cannon (Vice Chair), Williams (Minority Chair), Garcia (Minority Vice Chair), Adkins, Brooks, Burkhammer, Butler, Capito, Espinosa, Fehrenbacher, Fluharty, Gearheart, A. Hall, W. Hall, Hillenbrand, Hite, Keaton, Marple, Maynor, Petitto, Ridenour, Riley, Ward, Willis

### VETERANS' AFFAIRS AND HOMELAND SECURITY

Cooper (Chair, *Veterans' Affairs*), Jennings (Chair, *Homeland Security*), Longanacre (Vice Chair, *Veterans' Affairs*), Honaker (Vice Chair, *Homeland Security*), Fleischauer (Minority Chair, *Veterans' Affairs*), Pushkin (Minority Chair, *Homeland Security*), Griffith (Minority Vice Chair, *Veterans' Affairs*), Anderson, Barnhart, Butler, Coop-Gonzalez, Crose, Fluharty, Heckert, Hillenbrand, Jeffries, Kimble, Kirby, Mazzocchi, McGeehan, Nestor, Reynolds, Ridenour, Sheedy, Smith, Steele

### WORKFORCE DEVELOPMENT

Worrell (Chair), Reynolds (Vice Chair), Young (Minority Chair), Hornbuckle (Minority Vice Chair), Adkins, Butler, Cannon, Clark, Crouse, DeVault, Dittman, Ellington, Fast, Fehrenbacher, Ferrell, Forsht, Foster, Gearheart, Hansen, Horst, Mallow, Miller, Nestor, Warner, Zatezalo

## SENATE COMMITTEES

### COMMITTEES OF THE SENATE

---

#### STANDING

---

#### AGRICULTURE AND RURAL DEVELOPMENT

Hamilton (Chair), Stover (Vice Chair), Deeds, Grady, Jeffries, Karnes, Phillips, Smith, Stuart, Swope, Taylor, Woelfel, Woodrum

#### BANKING AND INSURANCE

Azinger (Chair), Oliverio (Vice Chair), Barrett, Boley, Clements, Maroney, Nelson, Plymale, Queen, Tar

#### CONFIRMATIONS

Boley (Chair), Chapman (Vice Chair), Azinger, Caputo, Martin, Phillips, Takubo, Tarr, Weld

#### ECONOMIC DEVELOPMENT

Swope (Chair), Martin (Vice Chair), Chapman, Hamilton, Hunt, Jeffries, Nelson, Oliverio, Plymale, Queen, Roberts, Stover, Stuart, Tarr

#### EDUCATION

Grady (Chair), Clements (Vice Chair), Azinger, Boley, Chapman, Deeds, Maynard, Oliverio, Plymale Roberts, Stover, Taylor, Trump

#### ENERGY, INDUSTRY AND MINING

Smith (Chair), Queen (Vice Chair), Barrett, Boley, Caputo, Karnes, Martin, Nelson, Oliverio, Phillips, Stover, Stuart, Swope, Taylor

## SENATE COMMITTEES

### ENROLLED BILLS

Woodrum (Chair), Roberts (Vice Chair), Jeffries, Maynard, Woelfel

### FINANCE

Tarr (Chair), Phillips (Vice Chair), Barrett, Boley, Clements, Jeffries, Maroney, Nelson, Oliverio, Plymale, Queen, Roberts, Smith, Swope, Woodrum

### GOVERNMENT ORGANIZATION

Woodrum (Chair), Barrett (Vice Chair), Hamilton, Hunt, Jeffries, Maroney, Phillips, Queen, Smith, Stuart, Swope, Weld, Woelfel

### HEALTH AND HUMAN RESOURCES

Maroney (Chair), Takubo (Vice Chair), Azinger, Chapman, Deeds, Grady, Hamilton, Hunt, Jeffries, Plymale, Roberts, Rucker, Tarr, Weld

### JUDICIARY

Trump (Chair), Weld (Vice Chair), Azinger, Caputo, Chapman, Deeds, Hamilton, Hunt, Martin, Maynard, Rucker, Stover, Stuart, Taylor, Woelfel

### MILITARY

Weld (Chair), Deeds (Vice Chair), Caputo, Chapman, Clements, Maroney, Smith, Taylor

### OUTDOOR RECREATION

Maynard (Chair), Taylor (Vice Chair), Caputo, Chapman, Deeds, Grady, Martin, Rucker, Smith, Stover, Stuart

### PENSIONS

Nelson (Chair), Hunt (Vice Chair), Azinger, Barrett, Clements, Grady, Hamilton, Oliverio, Plymale, Queen

## SENATE COMMITTEES

### **RULES**

Blair (Chair), Takubo (Vice Chair), Azinger, Boley, Grady, Maroney, Nelson, Tarr, Trump, Weld, Woelfel, Woodrum

### **SCHOOL CHOICE**

Rucker (Chair), Maynard (Vice Chair), Boley, Deeds, Karnes, Roberts, Woelfel, Woodrum

### **TRANSPORTATION AND INFRASTRUCTURE**

Clements (Chair), Stuart (Vice Chair), Barrett, Hunt, Jeffries, Karnes, Oliverio, Phillips, Plymale, Roberts, Swope

### **WORKFORCE**

Roberts (Chair), Jeffries (Vice Chair), Caputo, Karnes, Maroney, Martin, Nelson, Smith, Stover, Tarr, Weld





**SCHEDULE SHOWING LEGISLATIVE DAYS  
AND CALENDAR DAYS  
AND PAGES OF JOURNAL COVERING SAME**

**REGULAR SESSION, 2023**

|                                                 | Page |
|-------------------------------------------------|------|
| 1st Day ..... Wednesday ..... January 11.....   | 1    |
| 2nd Day ..... Thursday ..... January 12.....    | 189  |
| 3rd Day ..... Friday ..... January 13.....      | 203  |
| 6th Day ..... Monday ..... January 16.....      | 237  |
| 7th Day ..... Tuesday ..... January 17.....     | 263  |
| 8th Day ..... Wednesday ..... January 18.....   | 313  |
| 9th Day ..... Thursday ..... January 19.....    | 335  |
| 10th Day ..... Friday ..... January 20.....     | 360  |
| 13th Day ..... Monday ..... January 23.....     | 387  |
| 14th Day ..... Tuesday ..... January 24.....    | 404  |
| 15th Day ..... Wednesday ..... January 25.....  | 449  |
| 16th Day ..... Thursday ..... January 26.....   | 483  |
| 17th Day ..... Friday ..... January 27.....     | 516  |
| 20th Day ..... Monday ..... January 30.....     | 539  |
| 21st Day ..... Tuesday ..... January 31.....    | 574  |
| 22nd Day ..... Wednesday ..... February 1.....  | 610  |
| 23rd Day ..... Thursday ..... February 2.....   | 626  |
| 24th Day ..... Friday ..... February 3.....     | 652  |
| 27th Day ..... Monday ..... February 6.....     | 686  |
| 28th Day ..... Tuesday ..... February 7.....    | 709  |
| 29th Day ..... Wednesday ..... February 8.....  | 729  |
| 30th Day ..... Thursday ..... February 9.....   | 790  |
| 31st Day ..... Friday ..... February 10.....    | 822  |
| 34th Day ..... Monday ..... February 13.....    | 861  |
| 35th Day ..... Tuesday ..... February 14.....   | 901  |
| 36th Day ..... Wednesday ..... February 15..... | 961  |
| 37th Day ..... Thursday ..... February 16.....  | 997  |
| 38th Day ..... Friday ..... February 17.....    | 1025 |
| 41st Day ..... Monday ..... February 20.....    | 1042 |
| 42nd Day ..... Tuesday ..... February 21.....   | 1081 |
| 43rd Day ..... Wednesday ..... February 22..... | 1102 |
| 44th Day ..... Thursday ..... February 23.....  | 1138 |
| 45th Day ..... Friday ..... February 24.....    | 1193 |
| 46th Day ..... Saturday..... February 25.....   | 1253 |
| 48th Day ..... Monday ..... February 27.....    | 1318 |
| 49th Day ..... Tuesday ..... February 28.....   | 1375 |
| 50th Day ..... Wednesday ..... March 1.....     | 1470 |

|                |                 |               |      |
|----------------|-----------------|---------------|------|
| 51st Day ..... | Thursday.....   | March 2.....  | 1591 |
| 52nd Day.....  | Friday .....    | March 3.....  | 1681 |
| 53rd Day ..... | Saturday.....   | March 4.....  | 1771 |
| 55th Day.....  | Monday .....    | March 6.....  | 1890 |
| 56th Day.....  | Tuesday .....   | March 7.....  | 1928 |
| 57th Day.....  | Wednesday ..... | March 8.....  | 1969 |
| 58th Day.....  | Thursday.....   | March 9.....  | 2045 |
| 59th Day.....  | Friday .....    | March 10..... | 2259 |
| 60th Day.....  | Saturday.....   | March 11..... | 2745 |

### **FIRST EXTRAORDINARY SESSION**

|               |             |                |      |
|---------------|-------------|----------------|------|
| 1st Day ..... | Sunday..... | August 6 ..... | 3215 |
|---------------|-------------|----------------|------|



West Virginia Legislature  
Journal  
of the  
House of Delegates  
Eighty-Sixth Legislature  
First Regular Session

---

---

Charleston, Wednesday, January 11, 2023

---

---

This being the day fixed by Section 18, Article VI of the Constitution of the State of West Virginia, for the annual assembly of the Legislature, the Members-elect of the House of Delegates met in their Chamber in the Capitol Building in the City of Charleston at 12:00 noon and the Clerk of the last House of Delegates, the Honorable Stephen J. Harrison, announced that the Honorable Bill Anderson, the Delegate-elect from the 10<sup>th</sup> Delegate District, was the oldest member in point of continuous service and, in accordance with Section 18, Article VI of the Constitution, would preside over the organization of the House of Delegates until a Speaker was chosen and shall have taken his seat.

Delegate-elect Anderson then assumed the Chair and called the House of Delegates to order.

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

### **MESSAGES FROM THE EXECUTIVE AND OTHER COMMUNICATIONS**

The Honorable Mac Warner, Secretary of State presented a communication which was received and laid before the House, containing the official returns of the election held on the 8<sup>th</sup> day of November, 2022, covering the 100 seats in the House of Delegates, which returns were accompanied by certification for those appearing to have been elected by the voters of the 100 Delegate Districts.

### **DELEGATES ELECTED**

The names of those whose credentials showed they were regularly elected members of the House of Delegates of the Eighty-sixth Legislature in accordance with the laws of West Virginia were as follows:

#### **First District**

Pat McGeehan

#### **Second District**

Mark Zatezalo

#### **Third District**

Jimmy Willis

#### **Fourth District**

Erikka Storch

#### **Fifth District**

Shawn Fluharty

#### **Fourteenth District**

Dave Foggin

#### **Fifteenth District**

Riley Keaton

#### **Sixteenth District**

Steve Westfall

#### **Seventeenth District**

Jonathan Adam Pinson

#### **Eighteenth District**

Jim Butler

**Sixth District**

Charlie Reynolds

**Seventh District**

Charles R Sheedy Sr

**Eighth District**

David L Kelly

**Ninth District**

Trenton Carl Barnhart

**Tenth District**

Bill Anderson

**Eleventh District**

Bob Fehrenbacher

**Twelfth District**

Vernon Criss

**Thirteenth District**

Scot Heckert

**Twenty-seventh District**

Ric Griffith

**Twenty-eighth District**

Mark A Ross

**Twenty-ninth District**

Henry Corbett Dillon

**Thirtieth District**

David “Flimsy” Adkins

**Nineteenth District**

Kathie Hess Crouse

**Twentieth District**

Geoff Foster

**Twenty-first District**

Jarred Cannon

**Twenty-second District**

Daniel Linville

**Twenty-third District**

Evan Worrell

**Twenty-fourth District**

Patrick Lucas

**Twenty-fifth District**

Sean Hornbuckle

**Twenty-sixth District**

Matthew Rohrbach

**Fortieth District**

Roy G Cooper

**Forty-first District**

Jordan Maynor

**Forty-second District**

Brandon Steele

**Forty-third District**

Christopher W Toney

**Thirty-first District**

Margitta Mazzocchi

**Thirty-second District**

Josh Holstein

**Thirty-third District**

Jordan Bridges

**Thirty-fourth District**

Mark Dean

**Thirty-fifth District**

Adam Vance

**Thirty-sixth District**

Anita Hall

**Thirty-seventh District**

Marty Gearheart

**Thirty-eighth District**

Joe C Ellington Jr

**Thirty-ninth District**

Doug Smith

**Fifty-third District**

Chris Pritt

**Fifty-fourth District**

Mike Pushkin

**Fifty-fifth District**

Moore Capito

**Forty-fourth District**

Todd A Kirby

**Forty-fifth District**

Eric Brooks

**Forty-sixth District**

Mike Honaker

**Forty-seventh District**

Todd Longanacre

**Forty-eighth District**

Caleb L Hanna

**Forty-ninth District**

Heather Tully

**Fiftieth District**

David “Elliott” Pritt

**Fifty-first District**

Tom Fast

**Fifty-second District**

Larry L Rowe

**Sixty-sixth District**

William “Ty” Nestor

**Sixty-seventh District**

Elias Coop-Gonzalez

**Sixty-eighth District**

Chris Phillips

**Fifty-sixth District**

Kayla Young

**Fifty-seventh District**

Doug Skaff Jr

**Fifty-eighth District**

Walter Hall

**Fifty-ninth District**

Andy Shamblin

**Sixtieth District**

Dana Ferrell

**Sixty-first District**

Warren Dean Jeffries

**Sixty-second District**

Roger Hanshaw

**Sixty-third District**

Lori Cowger Dittman

**Sixty-fourth District**

Adam Burkhammer

**Sixty-fifth District**

Carl “Robbie” Martin

**Seventy-ninth District**

Evan Hansen

**Eightieth District**

John Williams

**Sixty-ninth District**

Keith Marple

**Seventieth District**

Mickey Petitto

**Seventy-first District**

Laura Kimble

**Seventy-second District**

Clay Riley

**Seventy-third District**

Amy Summers

**Seventy-fourth District**

Mike Devault

**Seventy-fifth District**

Phil Mallow

**Seventy-sixth District**

Joey Garcia

**Seventy-seventh District**

Joe Statler

**Seventy-eighth District**

Geno Chiarelli

**Ninety-second District**

Michael Hite

**Ninety-third District**

Michael Hornby

**Eighty-first District**

Danielle Walker

**Eighty-second District**

Debbie Warner

**Eighty-third District**

George Street

**Eighty-fourth District**

D. R. (Buck) Jennings

**Eighty-fifth District**

John Paul Hott II

**Eighty-sixth District**

Bryan C Ward

**Eighty-seventh District**

Gary Howell

**Eighty-eighth District**

Rick Hillenbrand

**Eighty-ninth District**

Darren J Thorne

**Ninetieth District**

George Miller

**Ninety-first District**

Don Forsht

**Ninety-fourth District**

Larry D Kump

**Ninety-fifth District**

Charles “Chuck” Horst Sr

**Ninety-sixth District**

Eric L Householder

**Ninety-seventh District**

John Hardy

**Ninety-eighth District**

Paul Espinosa

**Ninety-ninth District**

Wayne Clark

**One Hundredth District**

William “Bill” Ridenour



In the absence of objection, the returns of the election of Delegates as presented by the Secretary of State were accepted and filed with the Clerk of the House.

\* \* \* \* \*

The Clerk then called the roll (**Quorum Call**), and the following answered to their names:

|               |             |            |          |
|---------------|-------------|------------|----------|
| Adkins        | Foggin      | Kelly      | Rowe     |
| Anderson      | Forsht      | Kimble     | Shamblin |
| Barnhart      | Foster      | Kirby      | Sheedy   |
| Bridges       | Garcia      | Kump       | Skaff    |
| Brooks        | Gearheart   | Linville   | Smith    |
| Burkhammer    | Griffith    | Longanacre | Statler  |
| Butler        | Hall, A.    | Lucas      | Steele   |
| Cannon        | Hall, W.    | Mallow     | Storch   |
| Capito        | Hanna       | Marple     | Street   |
| Chiarelli     | Hansen      | Martin     | Summers  |
| Clark         | Hanshaw     | Maynor     | Thorne   |
| Cooper        | Hardy       | Mazzocchi  | Toney    |
| Coop-Gonzalez | Heckert     | Miller     | Tully    |
| Criss         | Hillenbrand | Nestor     | Vance    |
| Crouse        | Hite        | Petitto    | Walker   |
| Dean          | Holstein    | Phillips   | Ward     |
| DeVault       | Honaker     | Pinson     | Warner   |

|              |             |           |          |
|--------------|-------------|-----------|----------|
| Dillon       | Hornby      | Pritt, C. | Westfall |
| Dittman      | Horst       | Pritt, E. | Williams |
| Ellington    | Hott        | Pushkin   | Willis   |
| Espinosa     | Householder | Reynolds  | Worrell  |
| Fast         | Howell      | Ridenour  | Young    |
| Fehrenbacher | Jeffries    | Riley     | Zatezalo |
| Ferrell      | Jennings    | Rohrbach  |          |
| Fluharty     | Keaton      | Ross      |          |

The roll disclosing that 98 Delegates-elect had answered to their names, the Presiding Officer declared the presence of a quorum.

All the Delegates-elect present then took the several oaths of office as prescribed by Section 16, Article VI of the Constitution of the State of West Virginia, which oaths of office were administered by the Honorable Beth Walker, Chief Justice of the West Virginia Supreme Court of Appeals.

### **ELECTION OF SPEAKER**

The Presiding Officer announced that the next order of business was the election of a Speaker of the House of Delegates for the Eighty-sixth Legislature and stated that nominations were now in order.

### **MAJORITY NOMINATION**

Delegate Kelly, from the 8<sup>th</sup> Delegate District, nominated the Honorable Roger Hanshaw from the 62<sup>nd</sup> Delegate District, as follows:

DELEGATE KELLY. Thank you and good afternoon, everybody. It is my honor to stand here before you today to nominate for his third term as Speaker of the House, my good friend, Roger Hanshaw. Roger is a man of great conviction. He is a man of faith. He is a man who is committed to his family. He is probably one of the most disciplined men I have ever seen, and he is a servant. I have never seen Roger Hanshaw ask anyone to do anything that he is not willing to do himself. That is leadership. He is humble. He doesn't boast about his status or his accomplishments, although he could. But he is more interested in boasting about our status and our accomplishments. He is a man of vision.

I was in the House when Roger was first elected. From the moment he assumed the role, he took control and he worked hard, and he worked diligently. I believe the evidence to support that speaks for itself and I just want to go through some of these things that we have done under Roger Hanshaw's leadership. He has presided over the first GOP redistricting since the Great Depression. He is continually leading this body the issues of life and liberty. Under Roger's leadership we have eliminated abortion in West Virginia. We have protected constitutional carries. We have seen significant justice reform. Speaker Hanshaw's leadership has brought about nearly six pages, let that sink in, six pages of, six pages excuse me, of legislation to combat substance abuse in West Virginia. Seventeen million dollars in funding foster care and its reform and capping copays on insulin, but we're not finished yet. We've got a long way to go and the leadership that Roger Hanshaw offers this body will take us to the next level. His leadership has paved the way through historic infrastructure improvements. We passed the road bond issue, or the road bond. Now I have heard it say, I have heard it said that someone else did that, be very certain that this body passed that. No tax increases during the 60-day session under his watch for the past four years. We slashed regulations and we have maintained a flat line budget for the past four years. That is quite a legacy. He is the voice of reason. Roger Hanshaw is not afraid to reach across the aisle and work. He is an example of what that means, and I am proud of that.

In closing I just want to do this, I read this some other time so some of you have heard this, but I think it is important to say it again. Let's chat some boxes here today. Roger Hanshaw inspires others. I am a better man today because of Roger Hanshaw. Roger Hanshaw recognizes success. Roger Hanshaw demonstrates integrity. Roger Hanshaw communicates decisively, and he shares his vision. Ladies and gentlemen, in closing it is my honor and my privilege to nominate Roger Hanshaw to his third term as Speaker of the West Virginia House of Delegates. Thank you.

\* \* \* \* \*

The nomination of Delegate Hanshaw was seconded by the Honorable John Hardy from the 97<sup>th</sup> Delegate District, with the following remarks:

DELEGATE HARDY. Thank you all very much. I stand today to second the nomination of Roger Hanshaw for the Speaker of the House of Delegates for the 86<sup>th</sup> Legislature. If I am a little out of sorts here, I've only been preparing for this for about 35 minutes. Our colleague Pat McGeehan is sick today and is not able to perform this so I was asked to do this and in haste I have put this together and reached out to Delegate McGeehan for a few words he would like me to share with you guys too.

So, with that being said, I have known and serve Roger, uh, Speaker Hanshaw for the past four years and I have watched him navigate this body through some unprecedented times and be very successful at it. I have never met someone more qualified or more suited for this job. Roger is very giving of his time. He loves to share his successes and our successes we do all this together we are a team we are one. He always makes sure we work as a team, and we share their successes as a team.

Under Speaker Hanshaw's leadership we have been successful moving West Virginia forward towards a more diverse 21<sup>st</sup> economy. Some of those accomplishments are and I am going to repeat some of the things that my good friend Delegate Kelly said but we have worked to right size government. We have worked very hard in this chamber to control government spending. We have also worked for

transparency in government to see where the money is spent and how the money is spent. We have maintained a flat budget for the last four years. We have protected the 2<sup>nd</sup> Amendment Rights, protected the rights of the unborn and we have expanded school choice and we have expanded the economic growth of the state. All of this is underneath the leadership of Roger Hanshaw, and it is my honor and privilege to be the seconding nomination for his term as Speaker of the House.

I want to read a quote by Cirrus it says, “Anyone can steer a ship and calm waters, but it takes a strong leader to navigate rough seas.” Roger has definitely navigated us through some rough seas. I have a quote that Delegate McGeehan wanted me to read, and we know that Delegate McGeehan is quite a philosopher, and this doesn’t really make sense to me but I’m sure it makes sense to Pat, and it may make sense to you guys, but I want to read this because Pat asked me to do it and he thought the Speaker would appreciate it. So, I am sure Pat, and the Speaker will understand this. “Tradition means giving a vote to most obscure of all classes, our ancestors. It is the democracy of the dead. Tradition refuses to submit to the small and arrogant oligarchs. Of those who merely happen to be walking about. All democrats object to men being disqualified by the ancient of birth. Tradition objects to being disqualified by the ancients of death. Democracy tells us not to neglect a good man’s opinion but if he is our groom. Tradition asks us not to neglect a good man’s opinion even if he is our father.” It is my honor and privilege to second the nomination for Roger Hanshaw for Speaker of the House for the 86<sup>th</sup> Legislature. Thank you very much.

### **MINORITY NOMINATION**

Delegate Griffith, from the 27<sup>th</sup> Delegate District, then nominated the Honorable Doug Skaff, the Delegate from the 57<sup>th</sup> Delegate District, as follows:

DELEGATE GRIFFITH. Thank you, Mr. Speaker, I am sorry about that. This ceremony that we do each time is somewhat predetermined. We know coming in here how we are going to vote generally and just ask Kevin McCarthy if it is just ceremonial. It is a time when we make a decision

about how we are going to conduct our business and there are many great things to say about Delegate Hanshaw. He has been my friend and helpful to me.

I stand today to nominate the Delegate from the 51<sup>st</sup>, Doug Skaff. He loves and serves West Virginia. He has been not just a friend to me in our delegation, but I too have seen him reach across the aisle. One of the things I think about is I think about how our vote sometimes when we come here is unchanging. The one thing I can say about Doug, his love and devotion to West Virginia and this process is never unchanging. I ask therefore that you consider this. He is a person who both served and a graduate of West Virginia University with a couple of degrees in Labor Relations and also in Marketing and he received an honorary doctorate for public service. One of the things that struck me about that is that our public service is sometimes so public that we don't remember something that mother taught me and that is you do what is right in life for one reason only, because it is right, period. Not because anyone will notice, not because you'll get credit. Just do what is right.

Doug has helped me through my journey through the legislature and I know that while your vote may not be unchanging as I say, his support for West Virginia and his love for West Virginia is totally unchanging. So, I nominate Doug Skaff for Speaker of the House. Thank you.

The nomination of Delegate Skaff was seconded by the Honorable Shawn Fluharty of the 5<sup>th</sup> Delegate District, with the following remarks:

DELEGATE FLUHARTY. Thank you. I was prepared to put together a laundry list of items related to Doug Skaff, but I was able to fit it all on this one little notebook, one little piece of notebook paper. You know, to know Doug is to like Doug.

If you know him, you like him. If you just read about him on social media, then you probably don't.

You know, what he brings to the table for this vote today is opportunity. We constantly talk about businesses coming to West Virginia and the opportunity that brings. So, why not have an actual businessman run this house.

From small businesses to large businesses to overseeing over 200 plus employees Doug has done that. Doug understands that and Doug provides the leadership necessary to move this House forward.

It is easy to see why he has been so successful in his businesses. The guy is never in a bad mood. No matter what has been said about him. No matter what kind of day he is facing, he is never in a bad mood. At least he never shows it to the caucus or anybody at large even if he is. That is leadership. That is the leadership we need. You know the other day we were here for the Bill Gates event with Senator Manchin and Doug was parading through as he does. All these business leaders from throughout the state stopping and talking to him and after he got his microchip from Bill Gates he stopped and talked with everybody. You could just see the power that comes with him. Just being in his presence is a present itself. That is how it felt that the people there knew Doug, they like Doug, they want to be around him, they want to work with him which is what we want other states and businesses to do with West Virginia is to work with us. He provides that.

One thing he has done throughout his tenure in the legislature, which I believe is providing leadership is proving that he can evolve with the times. Evolving as a person, evolving as a leader in the state and evolving as a legislator is something we should all strive to do, and he has proven that he can do that. There is one thing I have learned while serving this legislature is that we can use some evolution here. We need to evolve a little bit, right? We want to move forward, be progressive in our thoughts and our acts not regressive in how we govern, and I've seen that in the past few years in this body and in this state. I will be voting to move our state forward and supporting my friend and leader Doug Skaff. Thank you.

\* \* \* \* \*

There being no further nominations, on motion of Delegate Kelly, nominations were closed.

Delegate-elect Hornbuckle then took the oath of office as prescribed by Section 16, Article VI of the Constitution of the State of West Virginia, which oath of office was administered by the

Honorable Dan Greear, Chief Judge of the Intermediate Court of Appeals.

The question being the election of a Speaker, the Clerk then called the roll (**Roll No. 1**), the result of which was as follows:

Delegates voting for Delegate Hanshaw - 87, as follows:

|               |              |            |          |
|---------------|--------------|------------|----------|
| Adkins        | Fehrenbacher | Keaton     | Rohrbach |
| Anderson      | Ferrell      | Kelly      | Ross     |
| Barnhart      | Foggin       | Kimble     | Shamblin |
| Bridges       | Forsht       | Kirby      | Sheedy   |
| Brooks        | Foster       | Kump       | Skaff    |
| Burkhammer    | Gearheart    | Linville   | Smith    |
| Butler        | Hall, A.     | Longanacre | Statler  |
| Cannon        | Hall, W.     | Lucas      | Steele   |
| Capito        | Hanna        | Mallow     | Storch   |
| Chiarelli     | Hardy        | Marple     | Street   |
| Clark         | Heckert      | Martin     | Summers  |
| Cooper        | Hillenbrand  | Maynor     | Thorne   |
| Coop-Gonzalez | Hite         | Mazzocchi  | Toney    |
| Criss         | Holstein     | Miller     | Tully    |
| Crouse        | Honaker      | Nestor     | Vance    |
| Dean          | Hornby       | Petitto    | Ward     |
| DeVault       | Horst        | Phillips   | Warner   |
| Dillon        | Hott         | Pinson     | Westfall |



|           |             |           |          |
|-----------|-------------|-----------|----------|
| Dittman   | Householder | Pritt, C. | Willis   |
| Ellington | Howell      | Reynolds  | Worrell  |
| Espinosa  | Jeffries    | Ridenour  | Zatezalo |
| Fast      | Jennings    | Riley     |          |

Delegates voting for Delegate Skaff - 12, as follows:

|          |            |           |          |
|----------|------------|-----------|----------|
| Fluharty | Hansen     | Pritt, E. | Walker   |
| Garcia   | Hanshaw    | Pushkin   | Williams |
| Griffith | Hornbuckle | Rowe      | Young    |

The total number of votes cast was 99, of which the Honorable Roger Hanshaw of the 62<sup>nd</sup> Delegate District received 87, and the Honorable Doug Skaff of the 57<sup>th</sup> Delegate District received 12. The Presiding Officer declared that the Honorable Roger Hanshaw, having received the majority of the votes cast, was duly elected Speaker of the House of Delegates.

Whereupon,

The Presiding Officer appointed Delegates Kelly, Hardy and Skaff as a committee to escort the Speaker-elect to the Clerk's Desk.

Speaker-elect Hanshaw then took the oath of office as prescribed for the Speaker, which oath of office was administered by the Honorable Dan Greear, Chief Judge of the Intermediate Court of Appeals.

Delegate Skaff delivered the following remarks prior to presenting the Speaker to the House:

DELEGATE SKAFF. That was a close one. We won't need a recount that is for sure but no, in all seriousness before we officially turn this over to Speaker Hanshaw, our Speaker, I would like to say a few words. Thank you, Delegate Griffith for those kind words. Thank you, Delegate Fluharty for those words. If you haven't met

Delegate Fluharty, you will get to know him real well pretty soon don't worry.

I will be brief. I wanted to say it is an honor and privilege to be here and stand next and work with Speaker Hanshaw. You will quickly realize that he wears it on his sleeve that he will do everything in his power and work tirelessly for every West Virginian can live, work and raise a family and be proud of where they are from. I have got a chance to meet and met him a long time ago in school but got a chance to travel the country, travel the country with your Speaker Hanshaw to tell the world and tell the nation and everybody we could from airport to airport and everything in between how great and special West Virginia is and it is because of people like you that he says we will literally move mountains to have you come here and invest in West Virginia, start your business here, have your east coast headquarters here, whatever it takes. But it is because we are ready, he says this "I don't care if it is a Democratic idea or Republican idea, I just want good ideas and we are going to work together put party politics aside to move West Virginia forward."

He means that. It is an honor to stand here today to be the first one to officially introduce someone who I not only call a friend, a colleague but a mentor and I am so excited to work for two more years under his leadership in the House of Delegates Speaker Roger Hanshaw.

At the conclusion of Delegate Skaff's remarks, the Speaker then addressed the House as follows:

MR. SPEAKER, MR. HANSHAW. Friends please be seated, please be seated. Thank you so very much. It was quite an honor in 2018 the very first time this body gave me the opportunity to occupy this podium, but I think it is a higher honor each time this body has given me that opportunity again since then and it is certainly a high honor today, so from the bottom of my heart, I do thank you for the opportunity.

The highest privilege is not to occupy the podium, but it is to occupy one of the 100 seats that we collectively share here in this house. As I said to our new members at orientation yesterday and as so many of you have heard me

say before there are only 100 of us and there are 1.8 million West Virginians so it is an incredible honor for anyone, any of us to ever occupy a seat in this chamber and it is an honor and it is a privilege and it is a responsibility that we ought not ever take lightly because the decisions that we make literally change the lives for 1.8 million West Virginians, 1.8 million West Virginians depend on the decisions that we make here to provide for their families, to operate their businesses, to educate their children and to provide their atmosphere and an environment here in which families can grow and thrive and develop.

I said four years ago that it would be my priority as a Speaker of this House to make our state the best place we possibly could to live and work and raise a family and collectively we've been doing those things. This body, actions taken by this body have made it possible for over six billion dollars of investment to have been made in our state in the last five years. Those are decisions that we collectively made here together. Those are jobs that are paying above market wage, well above minimum wage jobs. We aren't talking about minimum wage jobs here ladies and gentlemen, we are talking about economy transforming jobs into communities across our state. We did that. We did that together. In that time, we have made decisions and taken steps that have protected the culture and values of our state that have made it an attractive place for those around the country who are choosing to leave the high-rise towers of Manhattan and Houston and Chicago and Los Angeles and seek new opportunities to come here to choose West Virginia as their home, as their destination. That is what I said last time, two years ago I said that it would be my priority then to make West Virginia the easy choice to make it easy to choose West Virginia and as the gentleman from the 57<sup>th</sup> district said, we have had that opportunity together, all of us. Many of us together have been travelling around the country talking about what it means to choose our state and why it is the right choice to make, why the things we are doing together here in this body are the right choice for every other state and for every other person, every other family, every other company who might be looking to leave where they have been forever and come and choose West Virginia.

We want to double down on that. We want to continue that because there are things that we have done. There are things that we ought to be proud of, things we ought to be fiercely proud of as a state and there are things, we know we need to do. We have absolutely passed six pages of substance abuse prevention legislation in the past four years, but we still have far too many men and women, too many family members, too many friends and neighbors who are crippled and gripped by substance abuse addiction. We have too much work that remains to still be done there. We have invested hundreds of millions of dollars in economic development across our state. We have recruited over six billion dollars of new economic activity here but there are still too many West Virginians who struggle to provide for their families, who struggle to be able to earn a living wage to provide for their children at home. We have a lot more work to do there. We have invested billions of dollars in infrastructure in our state. That is undeniable and that is true and that is our job, we have done that and I'm proud that we have done it. Too many of us drive to work, too many of our children ride to school, on school busses that traverse roads and bridges and highways that are in some places are still unsafe and certainly where they are safe, they need greater attention. So, we have more work to do there, we have lots more work to do there. We have invested hundreds of millions of dollars in broadband connectivity around our state, we have connected homes and schools and businesses that never were connected to each other before, that were never connected to the world-wide market place beyond the borders of West Virginia, beyond our 1.8 million citizens, but we still have far too many homes, far too many small businesses, far too many communities that aren't able to access the educational opportunities, the market opportunities, the greater world beyond the borders of West Virginia. So, we have more work to do there in making sure that our citizens are fully connected.

We have done much to safeguard values that West Virginians hold dear. We have done much to maintain who we are as a culture, who we are as a people. But the responsibility of maintaining of what we have done and the responsibility of maintaining the quality of life in West Virginia and maintaining it is as a destination for those who are looking to leave Manhattan and Chicago and Houston

and Los Angeles remain strong. That responsibility is ours; it is ours to bear. It needs to weigh on every decision that we make, it needs to weigh on every bill we introduce, it needs to weigh on every appropriation we make and every resolution we draft because, make no mistake, the world watches us. The world watches what we do. Not necessarily on our live streaming, live on television but the world watches what we do. We speak through our votes, we speak through our bills, we speak through our bills, we speak through our resolutions and the world pays attention. When we travel elsewhere, when we meet with leaders of companies elsewhere when we meet with those who are considering West Virginia as a place to make investment, as a place to come and employ our family members and our citizens they will speak often to us about the things we have done here in this body and the decisions we have made and why we have made decisions that we have and why we have chosen the direction we have as opposed to the alternatives.

I am very proud to say the work we have done here has helped put us on the right path to make it easier to choose West Virginia. We have a lot more opportunity ahead of us, we have a lot more responsibility on our shoulders now that what we have done has been working, we simply now need to keep our foot on the accelerator. I am deeply honored for the opportunity you have given me today to continue to lead this House for the next two years. It is the highest honor of my professional lifetime. Thank you very much.

The Speaker then assumed the Chair.

\* \* \* \* \*

## ELECTION OF CLERK

The next order of business being the election of the Clerk, the Speaker stated that nominations were now in order.

Delegate Fast, a Delegate from the 51<sup>st</sup> District, nominated Stephen J. Harrison, of the County of Kanawha, as follows:

DELEGATE FAST. Thank you, Mr. Speaker. Ladies and gentlemen, it is my honor and pleasure to nominate

Stephen J. Harrison for Clerk of the West Virginia House of Delegates-86<sup>th</sup> Legislature. Stephen was elected to his fourth two-year term as Clerk in 2021. Prior to being elected to Clerk of this body, he served as a member of the West Virginia House of Delegates from 1992 through 2002. In 2002, he was elected to the West Virginia State Senate serving in that body until 2006 when he did not seek re-election.

Stephen Harrison is a graduate of Sissonville High School and Brown University. At Brown he was selected District I Academic All-American in football and graduated with a triple concentration in Economics, Political Science and Organizational Behavior and Management. He played in the Epson Ivy Bowl in Japan as a member of the Ivy All Stars.

He worked in the banking industry for more than 24 years until he resigned his position as a Poca Valley Bank Vice-President before being elected to the 23<sup>rd</sup> Clerk...as the 23<sup>rd</sup> Clerk of the West Virginia House of Delegates.

Stephen is a devoted husband to his wife Kristen having been married to her for more than 30 years. Stephen and Kristen are the parents of their 12-year-old twins Benjamin and Maggie. Stephen Harrison is a principled man and a solid Christian.

He knows his job and he knows it well. As Clerk of the House of Delegates he holds a wealth of knowledge, experience, and information. He is the go-to person if you have a question regarding House policy or rules. He is so important to the West Virginia House of Delegates process. Ladies and gentlemen, it is my distinct honor to nominate Stephen J. Harrison for Clerk of the West Virginia House of Delegates-86<sup>th</sup> Legislature. Thank you.

The nomination for Clerk was seconded by Delegate Ferrell of the 60<sup>th</sup> Delegate District, with the following remarks:

DELEGATE FERRELL. Ladies and gentlemen, it is my honor to nominate Stephen J. Harrison for position of Clerk for the House of Delegates and after Delegate Fast just spoke, I mean he covered a lot of things there, but I am going to come at it from a different angle because I am not

sure there is anybody in this Chamber that has known Stephen J. Harrison longer than I have.

We grew up together in Sissonville and, you know, you get to know somebody over a period of time when you see them outside of this Chamber, their actions and things. His family, he is a person, their position in the community, what they have done for our community, the church that they attend, is just remarkable. They are leaders, they are people...and he grew up in a family like that. He went on as mentioned to Sissonville High School where he was a standout academic athlete and then went on to Brown University where he earned triple degrees, come back worked in the banking industry, was president of the bank there in Sissonville where he helped our community in many, many ways. I served on the advisory board with him there.

He is just...again he served as our Delegate there, he was my Delegate, he was my Senator and now he serves here as the Clerk of the House of Delegates and as mentioned before, as mentioned earlier about you've never seen the person in a bad mood. I am not sure anybody in here could say they have seen Steve Harrison in a bad mood in anything. You go there, he's attentive to get...take care of your needs whatever they be and do that in professional fashion.

But more than anything I want to speak to his integrity. The man as I know, like I said, from his upbringing, through school and now serving as a professional you will not find anybody with any more integrity, his Christian values, his position as a father and a husband as mentioned. He is just a good person and we have seen here, those of you that have been here and are returning to this position you already know, and those of you that are coming in let me tell you, you've got I think one of the best United States' Clerks serving the House of Delegates. Again, I nominate Stephen J. Harrison for Clerk of the House of Delegates for the State of West Virginia.

On motions of Delegate Fast, nominations were closed, and the Honorable Stephen J. Harrison of the County of Kanawha was elected Clerk of the House by acclamation.

Mr. Harrison then took the oath of office as prescribed for the Clerk, which oath of office was administered by the Honorable Dan Greear, Chief Judge of the Intermediate Court of Appeals.

### **ELECTION OF SERGEANT-AT-ARMS**

The next order of business being the election of Sergeant-at-Arms, nominations were now in order.

Delegate Cooper, the Delegate from the 40<sup>th</sup> Delegate District, nominated Marshall Clay of the County of Fayette, as follows:

DELEGATE COOPER. It is my honor and privilege to place the name of Marshall Clay into the nomination of Sergeant at Arms in this great hall. Marshall has five plus years of experience already in the job and he has demonstrated time and time again his dedication to this state and to this institution called the West Virginia Legislature over and over. Marshall before he came here, before he became involved in the Legislature over 14 years ago I think it has been, he was a member of the US Military, he is a retired Navy Chief Petty Officer, and his dedication still lingers with him today to serve and to serve well.

If any of you have been here and watched the proceedings around here, you don't see Marshall move too fast, but it seems like we don't have much of a commotion going on even when there is a great commotion maybe out in the hall. It seems like Marshall just very quietly in a very dedicated and smooth manner gets things done. Over where I sit, I look over where I sit and if there is someone up there wearing a hat or something or doing something that doesn't follow our rules Marshall doesn't make a big deal out of it, he just goes fixes it and walks away. That is a good reason to have him continue in his service to us.

Finally, as a Navy Veteran, Marshall knows the difference between a sea story and a fairy tale, and he will have to explain that to you. But I can guarantee you he knows the difference between a sea story and a fairy tale. I am again, very honored to place his name



in nomination for this position. I believe we will be very proud of how well he serves us in the next two years. Thank you, Mr. Speaker.

The nomination was seconded by Delegate Miller of the 90<sup>th</sup> Delegate District, with the following remarks:

DELEGATE MILLER. Mr. Speaker, Mr. Harrison, Mr. Billings, fellow Delegates, I stand here today to second the nomination for Marshall Clay. He is a man of integrity, honesty and he is a veteran of the Navy, a retired veteran of the Navy I should say. So, with that I would be honored that the House accept this nomination, Marshall Clay. Thank you.....as Sergeant at Arms.

On motion of Delegate Cooper, nominations were closed and the Honorable Marshall Clay of the County of Fayette, was elected Sergeant-at-Arms by acclamation.

Mr. Clay then took the oath of office as prescribed for the Sergeant-at-Arms, which oath of office was administered by the Honorable Dan Greear, Chief Judge of the Intermediate Court of Appeals.

### **ELECTION OF DOORKEEPER**

The next order of business being the election of Doorkeeper, nominations were now in order.

Delegate Ellington, the Delegate from the 38<sup>th</sup> Delegate District, nominated Robert Stewart of the County of Kanawha, as follows:

DELEGATE ELLINGTON. Thank you, Mr. Speaker, and congratulations. Ladies and gentlemen, I have the distinct honor and privilege to nominate a gentleman for the office of House Doorkeeper. I would like to share a little bit of history and a little bit of humor with that. This is a gentleman that has been raised in, born, and raised in Kentucky. He is a family man, married for the past 40 years to his bride Tressa. They have a legacy of six children, 26 grandchildren and eight great grandchildren. He has also demonstrated loyalty

and a work ethic by working in the private sector for over 36 years at PraxAir. He has honored our country and served in the United States Army at the rank of Sergeant previously. He has also served this Chamber over the past several years.

Now please forgive me if I embellish or even exaggerate some of his accomplishments but it has been known and the stories have been told over the years that this gentleman has been known to tackle members trying to barge through the chamber doors at the moment of our prayer and pledge to our God and country. There have been numerous attempts in the still night where he has thwarted efforts by ninjas trying to destroy our beautiful voting block of course past years we have had couple of times he was asleep at the wheel, but nobody is perfect. There have been efforts if you have noticed in the past recent summer during special session where he and his colleagues have protected our chamber, our members and our public from unruly protestors dropping bombs on our members over the summer.

Kidding aside, this gentleman has demonstrated a lot of honor, integrity, he is one of those unsung heroes in our chamber and I am deeply honored to endorse him and nominate him for the House Doorkeeper. He is the man, the present the legend and the Doorkeeper, Mr. Robert Stewart and I hope you all join me in nominating him. Thank you.

The nomination was seconded by Delegate Westfall of the 16<sup>th</sup> Delegate District, with the following remarks:

DELEGATE WESTFALL. Thank you Mr. Speaker. It is my honor and privilege to second the nomination for Robert Stewart for Doorkeeper for the 86<sup>th</sup> Legislature. Robert has been Doorkeeper since 2019 Legislature. You would think sometimes wow we need a doorkeeper, but you all new ones will find out soon we do need doorkeepers to keep rule. Robert is not a lifetime West Virginian. He chose West Virginia, he is from Kentucky like Chairman Ellington said but he chose West Virginia to be his home. He is a Kanawha County resident. It is my honor and privilege

to second the nomination for Robert Stewart as doorkeeper.

On motion of Delegate Ellington, nominations were closed and the Honorable Robert Stewart of the County of Kanawha, was elected Doorkeeper by acclamation.

Mr. Stewart then took the oath of office as prescribed for the Doorkeeper, which oath of office was administered by the Honorable Dan Greear, Chief Judge of the Intermediate Court of Appeals.

\* \* \* \* \*

On motion of Delegate Householder, the Clerk was authorized to notify the Senate and the Governor that the House of Delegates had assembled in the First Regular Session of the Eighty-sixth Legislature as provided by Section 18, Article VI of the Constitution of the State, with a quorum present, had organized by the election of Roger Hanshaw, 62<sup>nd</sup> Delegate District, as Speaker; Stephen J. Harrison of the County of Kanawha, as Clerk; Marshall Clay of the County of Fayette, as Sergeant-at-Arms; and Robert Stewart of the County of Kanawha, as Doorkeeper, and was ready to proceed to the business of the session.

\* \* \* \* \*

### **Resolutions Introduced**

Delegate Hanshaw (Mr. Speaker) offered the following resolution, which was reported by the Clerk:

**H. C. R. 1** - "Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor."

At the respective requests of Delegate Householder, and by unanimous consent, reference of the resolution (H. C. R. 1) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Whereupon,

In accordance with the provisions of the resolution, the Speaker appointed as members of the committee to wait upon His Excellency, the Governor, the following:

Delegates Storch, Smith and Rowe.

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

Delegate Hanshaw (Mr. Speaker) offered the following resolution, which was reported by the Clerk:

**H. R. 1** - "Adopting Rules of the House of Delegates."

At the respective requests of Delegate Householder, and by unanimous consent, reference of the resolution (H. R. 1) to a committee was dispensed with, and it was taken up for immediate consideration.

Delegates Griffith, Skaff, Fluharty, Rowe, Walker, Hansen, Williams, Young, E. Pritt, Pushkin, Garcia and Hornbuckle moved to amend the resolution on page 48, Rule 93, lines 1 and 2, by striking out the first sentence of the rule and inserting in lieu thereof the following: "All bills for introduction shall be introduced without the name or names of the member or members sponsoring the bill."

And,

By on page 48 by striking out Rule 94 in its entirety;

And,

On page 49 by striking out the second sentence of Rule 94a;

And,

On page 49 by striking out Rule 94b in its entirety;

And,

By renumbering subsequent rules numbers accordingly.

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

The yeas and nays having been ordered, they were taken (**Roll No. 2**), and there were--yeas 13, nays 86, with the yeas being as follows:

Yeas: Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Petitto, E. Pritt, Pushkin, Rowe, Skaff, Walker, Williams and Young.

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

Delegates Griffith, Skaff, Fluharty, Rowe, Walker, Hansen, Williams, Young, D. Pritt, Pushkin, Garcia and Hornbuckle moved to amend the resolution on page 41, Rule 83, line 3, following the words "at such meeting." by inserting the following sentence: "No bill may be considered by a committee unless it has been published on an agenda 24 hours prior to consideration by the committee."

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

The yeas and nays having been ordered, they were taken (**Roll No. 3**), and there were--yeas 12, nays 86, absent and not voting 1, with the yeas and the absent and not voting being as follows:

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

Absent and Not Voting: Riley.

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

Delegates Young, Rowe, Skaff, Fluharty, Griffith, Walker, Hansen, Williams, D. Pritt, Pushkin, Garcia and Hornbuckle move to amend the resolution on page 45, Rule 89, following the period on line 2, by inserting the following:

“All meetings of committees shall be broadcast in a manner consistent with floor sessions of the House.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 4**), and there were--yeas 12, nays 84, absent and not voting 3, with the yeas and the absent and not voting being as follows:

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

Absent and Not Voting: Bridges, Riley and Smith.

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

Delegates Rowe, Skaff, Fluharty, Griffith, Walker, Hansen, Williams, Young, D. Pritt, Pushkin, Garcia and Hornbuckle moved to amend the resolution on page 16, Rule 38, lines 1 and 7, by striking out the word “once” and inserting in lieu thereof the word “twice”.

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

The yeas and nays having been ordered, they were taken (**Roll No. 5**), and there were--yeas 17, nays 79, absent and not voting 3, with the yeas and the absent and not voting being as follows:

Yeas: Fast, Fluharty, Foster, Garcia, Griffith, Hansen, Hornbuckle, Kirby, Petitto, E. Pritt, Pushkin, Rowe, Skaff, Vance, Walker, Williams and Young.

Absent and Not Voting: A. Hall, Martin and Steele.

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

There being no further amendments, the resolution was then adopted.

Delegate Hanshaw (Mr. Speaker) offered the following resolution, which was reported by the Clerk:

**H. R. 2** - "Authorizing the printing and distribution of Acts of the Legislature, Journals of the House of Delegates, the publication of a Legislative Manual, and authorizing payment of travel and other expenses of the House."

At the respective requests of Delegate Householder, and by unanimous consent, reference of the resolution (H. R. 2) to a committee was dispensed with, and it was taken up for immediate consideration, and adopted.

Delegate Hanshaw (Mr. Speaker) offered the following resolution, which was reported by the Clerk:

**H. R. 3** - "Authorizing the appointment of employees for this, the First Regular Session of the Eighty-sixth Legislature, Two Thousand Twenty-three'."

At the respective requests of Delegate Householder, and by unanimous consent, reference of the resolution (H. R. 3) to a committee was dispensed with, and it was taken up for immediate consideration, and adopted.

On motions for leave, Joint Resolutions were introduced, read by their titles and severally referred as follows:

**By Delegate Steele:**

**H. J. R. 1** - " Proposing an amendment to the Constitution of the State of West Virginia amending article III thereof by adding thereto a new section, designated section twenty-three, relating to the right to hunt, fish, and harvest wildlife; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Hanna:**

**H. J. R. 2** - " Proposing an amendment to the Constitution of the State of West Virginia, amending section four, article IV

thereof, relating to the age of elected officials and providing that Senators may be eligible to run if age 21 at the beginning of their term of office"; to the Committee on the Judiciary.

**By Delegate McGeehan:**

**H. J. R. 3** - " Proposing an amendment to the Constitution of the State of West Virginia, amending section fifty-one, article VI thereof, relating to the establishment of a general fund expenditure limit; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Finance then the Judiciary.

**By Delegate Horst:**

**H. J. R. 4** - " A Bill Proposing an amendment to the Constitution of the State of West Virginia, amending section one, article VI thereof; amending section two, article XIV thereof; and amending said Constitution by adding a new article, designated article XV, all relating to the legislative powers held by the people of the state and the Legislature; the power of the registered voters and the power of the Legislature to propose amendments to this Constitution; and the reservation by and to the people and registered voters of this state the powers of initiative, referendum, and recall at all levels of government in this state; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on the Judiciary.

**By Delegate Skaff:**

**H. J. R. 5** - " Proposing an amendment to the Constitution of the State of West Virginia amending section 13, article VI thereof, relating to allowing elected state official to be a government employee or employee of a public school, college, or university; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Government Organization then the Judiciary.

**By Delegate Mallow:**

**H. J. R. 6** - " Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to homestead exemption increase; numbering and



designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Finance then the Judiciary.

**By Delegate Mallow:**

**H. J. R. 7** - " Proposing an amendment to the Constitution of the State of West Virginia, amending section §1b, article X thereof; relating to permitting increase in homestead exemption for persons with yearly income that does not exceed \$20,000; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of the proposed amendment"; to the Committee on Finance then the Judiciary.

**By Delegate Steele:**

**H. J. R. 8** - " Proposing an amendment to the Constitution of the State of West Virginia amending section 1b, article X thereof, relating to exempting honorably discharged veterans of the Armed Forces of the United States who have been determined to have a 100 percent disability from ad valorem property taxation on the full amount of assessed value of a primary residence and all personal property; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Finance then the Judiciary.

**By Delegate Hansen:**

**H. J. R. 9** - " Proposing an amendment to the Constitution of the State of West Virginia amending article three thereof by adding thereto a new section, designated section 23, relating to the Bill of Rights; proving for the right to clean air and pure water; preservation of our natural resources and public estate; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Howell:**

**H. J. R. 10** - " Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article ten thereof, relating to ad valorem property tax rates for citizens of the age of 65 or older; locking the value of a homestead property, for

the purpose of calculating property taxes, at the assessed value when the owner-occupier turned 65 or purchased the property, whichever occurred later; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Finance then the Judiciary.

**By Delegate Kimble:**

**H. J. R. 11** - " Proposing an amendment to the Constitution of the State of West Virginia amending section one, article VI thereof; amending section two, article XIV thereof; and amending said Constitution by adding a new article, designated article XV, all relating to the legislative powers held by the people of the state and the Legislature; the power of the registered voters and the power of the Legislature to propose amendments to this Constitution; and the reservation by and to the people and registered voters of this state the powers of initiative, referendum, and recall at all levels of government in this state; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on the Judiciary.

**By Delegate Walker:**

**H. J. R. 12** - " Proposing an amendment to the Constitution of the State of West Virginia, by adding section twenty-three, article three thereof, relating to the Bill of Rights; providing for the right to food, food sovereignty and freedom from hunger; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Fast:**

**H. J. R. 13** - " Proposing an amendment to the Constitution of the State of West Virginia to add section one-d, article X thereof, relating to legislative authority to repeal all business and inventory ad valorem property taxation on tangible personal property and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Finance then the Judiciary.

**Bills Introduced**

On motions for leave, bills were introduced, read by their titles, and severally referred as follows:

**By Delegates Summers, Tully and Rohrbach:**

**H. B. 2016** - "A Bill to amend and reenact §49-5-101 of the Code of West Virginia, 1931, as amended, relating to releasing information to facilitate care of a child"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Summers, Tully and Rohrbach:**

**H. B. 2017** - "A Bill to amend and reenact §49-4-601 of the Code of West Virginia, 1931, as amended, relating to requiring the sheriff to serve child abuse and neglect petitions without additional compensation"; to the Committee on Health and Human Resources.

**By Delegates Summers, Tully and Rohrbach:**

**H. B. 2018** - "A Bill to amend and reenact §49-4-406 of the Code of West Virginia, 1931, as amended, relating to permitting the managed care case coordinator to attend the multidisciplinary team meeting"; to the Committee on Health and Human Resources.

**By Delegates Clark, Fast, Crouse, Ferrell, Hite, Honaker, Cannon, Keaton, Pinson, Kelly and Willis:**

**H. B. 2019** - "A Bill to amend and reenact §60A-1-101 of the Code of West Virginia, 1931, as amended; by adding thereto a new section, designated §60A-1-101a; to amend and reenact §60A-2-204 of this code; and to amend and reenact §60A-4-401 of this code, all relating to defining synthetic controlled substances; providing legislative findings; prohibiting synthetic controlled substances; adding to Schedule I List of controlled substances delta-8 Cis or trans tetrahydrocannabinol, and their optical isomers and delta-7 Cis or trans tetrahydrocannabinol, and their optical isomers; and to provide criminal penalties for the manufacture, deliver, or possess with intent to manufacture or deliver synthetic controlled substances"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2020** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-3-11, relating to requiring a warning light to be erected on certain

roads to warn of a traffic light ahead"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate Hansen:**

**H. B. 2021** - "A Bill to amend and reenact §22-6-2 and §22-6-29 of the Code of West Virginia, 1931, as amended, relating to funding of the Office of Oil and Gas of the Department of Environmental Protection and to the plugging of orphaned oil and gas wells by an annual fee on each well that is not plugged"; to the Committee on Energy and Manufacturing then Finance.

**By Delegate Hansen:**

**H. B. 2022** - "A Bill to amend and reenact §22-6A-12 of the Code of West Virginia, 1931, as amended, relating to well location restrictions for natural gas wells; and providing that the limit of disturbance of a well site may not be closer to an occupied building than 2,500 feet"; to the Committee on Energy and Manufacturing then the Judiciary.

**By Delegate Griffith:**

**H. B. 2023** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-34-1, relating to funding school safety design; creating Safety in Schools fund; and setting forth award procedure"; to the Committee on Finance.

**By Delegate Statler:**

**H. B. 2025** - "A Bill to amend and reenact §23-4-1f of the Code of West Virginia, 1931, as amended; relating to who may diagnose post-traumatic stress disorder as a compensable injury or disease under workers compensation"; to the Committee on Fire Departments and Emergency Medical Services then Health and Human Resources then Finance.

**By Delegates Clark, Horst, Honaker, Barnhart and Worrell:**

**H. B. 2026** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §8-22A-33a and §8-22A-33b, relating to additional opportunity for municipal police officers to transfer into the Municipal Police

Officers and Firefighters Retirement System; providing for a phased transition into the plan on the basis of the class of the municipality; providing for transfer of assets pertaining to municipal police officers; requiring certain computations to be made by the Consolidated Public Retirement Board; and terminating liability of the Public Employees Retirement System"; to the Committee on Pensions and Retirement then Finance.

**By Delegate Mallow:**

**H. B. 2027** - "A Bill to amend and reenact §37-6-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §37-6-31, all relating to termination of leaseholds, requiring law enforcement participation in eviction notice service, and requiring eviction notices expressly state tenant rights under this section"; to the Committee on the Judiciary.

**By Delegate Mallow:**

**H. B. 2028** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5T-7, relating to establishing quick response teams under the Office of Drug Control Policy to act as first responders in narcotic related medical emergencies"; to the Committee on Health and Human Resources.

**By Delegates Summers, Tully and Rohrbach:**

**H. B. 2029** - "A Bill to repeal §33-4A-1, §33-4A-2, §33-4A-3, §33-4A-4, §33-4A-5, §33-4A-6, §33-4A-7, and §33-4A-8 of the Code of West Virginia, 1931, as amended, all relating to repealing the creation of an all-payer claims database"; to the Committee on Health and Human Resources.

**By Delegate Hornbuckle:**

**H. B. 2030** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-1-11, relating to creating the West Virginia Small Business COVID Relief Act to be established under the West Virginia Department of Commerce; providing legislative findings; creating the act and providing qualifications for relief; and providing an effective date"; to the Committee on Education then Finance.

**By Delegate Hornbuckle:**

**H. B. 2031** - "A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to modifying the school calendar; setting the school year to 170 days of instruction; establishing limits on the start and end of the school year; and modifying the number and purposes of noninstructional days"; to the Committee on Education.

**By Delegate Dean:**

**H. B. 2032** - "A Bill to amend and reenact §23-4-15 of the Code of West Virginia, 1931, as amended, relating to clarifying that the time limitations provided for filing occupational pneumoconiosis claims do not apply or otherwise limit the ability of a claimant to obtain an evaluation from the Occupational Pneumoconiosis Board"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Dean:**

**H. B. 2033** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1 and §7-28-2; and to amend said code by adding thereto a new article, designated §8-20B-1, all relating to unsafe real property; providing a process by which county commissions and municipalities may compel the cleanup of hazardous real property conditions; directing each assessor to identify obviously dilapidated, unsafe, or defective condition that renders it unfit for the intended use of the property or the structures upon it; providing that assessors staff receive training; directing the Division of Emergency Management establish a training course; providing a power to assert a lien if a real property owner fails to comply with a county commission's or municipality's hazardous condition resolution; providing notice, hearing, and an appeals process regarding unsafe condition determinations made; providing a process by which local governing bodies may compel the cleanup of hazardous real property conditions; providing a power to assert a lien if a real property owner fails to comply with a local governing body's hazardous condition resolution; and providing a hearing appeals process on unsafe condition determinations made by local

governing bodies"; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate Dean:**

**H. B. 2034** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-44; to amend said code by adding thereto a new article, designated §18-21A-1, §18-21A-2, §18-21A-3, §18-21A-4, §18-21A-5, §18-21A-6, and §18-21A-7; and to amend said code by adding thereto a new article, designated §18-34-1 and §18-34-2, all relating to vocational and technical education programs; requiring the State Board and Commerce Department to create lists of apprenticeships and certifications and credentials to provide to students; creating a career and technical education pilot program to introduce middle school students career and technical education opportunities in the state; allowing for non-certified persons provide student instruction; providing state board authorize and establish conditions thereto and promote the pilot program; directing local public education institutions participation; requiring county school districts to provide certain information to students; and establishing the Governor's Workforce Credential"; to the Committee on Education then Finance.

**By Delegate Holstein:**

**H. B. 2035** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-1, relating to establishing a tax credit for employers who hire qualified employees in a program of recovery from substance abuse; authorizing tax credit; defining terms; specifying the application process for tax credit; determining the amount of the credit; restricting disclosure of diagnosis and treatment information; establishing maximum allowable credits; and providing that unused credits do not carry over to subsequent years"; to the Committee on Health and Human Resources then Finance.

**By Delegate Kimble:**

**H. B. 2036** - "A Bill to amend and reenact §5A-1-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-3-4 of said code; and to amend said code by adding thereto a new

section, designated §18B-1-12, all relating to exemptions from mandated immunizations for religious reasons"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Gearheart:**

**H. B. 2037** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-11G-1, §62-11G-2, §62-11G-3, §62-11G-4, §62-11G-5, §62-11G-6, and §62-11G-7, all relating to creating a pilot work/incarceration prison; providing a short title; specifying offenders who are eligible to participate; establishing one work/incarceration prison; authorizing the Division of Corrections to propose rules for the operation and reporting of the work/incarceration prison; allowing a reduction in the sentence of an offender sentenced to the work/incarceration prison; providing that a serious violation of the rules result in an additional sentence; specifying a suggested appropriation; allowing the admittance of offenders from other counties; and requiring the evaluation of the work/incarceration prison"; to the Committee on Jails and Prisons then the Judiciary.

**By Delegate Kimble:**

**H. B. 2038** - "A Bill to amend and reenact §3-1A-6 of the Code of West Virginia, 1931, as amended, relating to requiring the Secretary of State to refer potential election fraud to the Attorney General for prosecution instead of a county prosecuting attorney"; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate Reynolds:**

**H. B. 2039** - "A Bill to amend and reenact §22-1-16 of the Code of West Virginia, 1931, as amended, relating to requiring the West Virginia Department of Environmental Protection to pay back fines to towns and cities if they make required upgrades or fixes to their communities in relation to those fines"; to the Committee on Jails and Prisons then Finance.

**By Delegate Hott:**

**H. B. 2040** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12n, relating to allowing a personal income tax exemption for first responders"; to the Committee on Finance.



**By Delegate Reynolds:**

**H. B. 2041** - "A Bill to amend and reenact §8-10-2b of the Code of West Virginia, 1931, as amended; and to amend and reenact §17B-3-3a of said code, all relating to providing a municipal court clerk the ability to suspend the driver's license if a person has failed to enter into a payment plan or pay towards his or her of costs, fines, forfeitures, restitution, or penalties in a certain time period following judgment"; to the Committee on Government Organization then the Judiciary.

**By Delegate Fast:**

**H. B. 2042** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-13A-9c, relating to public service districts' laying of water or sewer lines on state rights-of-way; limiting the onsite time required supervision by a state engineer; and requiring payment and performance bonds to cover a reasonable length of time for defects to be discovered"; to the Committee on Government Organization.

**By Delegate Rowe:**

**H. B. 2043** - "A Bill to amend and reenact §31-15-3 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Economic Development Authority; creating a small business and minority populations economic and workforce development taskforce to assist the Director of the Economic Development Authority in developing and implementing a procedure to address employment, labor force participation and economic development problems of small business and low income and minority populations of West Virginia; and developing a pilot project that can be used as a model to promote the growth and development of small business to increase employment and labor force participation across West Virginia"; to the Committee on Education.

**By Delegate Rowe:**

**H. B. 2044** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-30-14a, relating to social workers and creating a litigation practice license for social workers"; to the Committee on the Judiciary.

**By Delegate Steele:**

**H. B. 2045** - "A Bill to amend and reenact §15A-2-1 of the Code of West Virginia, 1931, as amended, relating to dividing pretrial detention jail costs between arresting authorities"; to the Committee on Jails and Prisons then Finance.

**By Delegate Steele:**

**H. B. 2046** - "A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating to permitting a licensed physician to grant a medical exemption from the required immunizations for a child to enter a school or a state-regulated child care center; removing the Commissioner of the Bureau for Public Health from the responsibility of granting immunization certificates and medical exemptions from immunization; providing for written statements of medical exemption; and providing for the statewide acceptance of the medical exemption"; to the Committee on Health and Human Resources then the Judiciary then Finance.

**By Delegate McGeehan:**

**H. B. 2047** - "A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to personal property tax; exempting motor vehicles from personal property tax"; to the Committee on Finance.

**By Delegate Hanna:**

**H. B. 2048** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, §18-2L-4, §18-2L-5, §18-2L-6, §18-2L-7, §18-2L-8, §18-2L-9, §18-2L-10, §18-2L-11, and §18-2L-12; and to amend said code by adding thereto a new article, designated §18C-10-1, §18C-10-2, §18C-10-3, §18C-10-4, and §18C-10-5, all relating generally to the establishment of the Katherine Johnson Academy as magnet school programs at colleges and universities in West Virginia; defining terms; creating a board of trustees to govern the Katherine Johnson Academy; providing for membership of the board of trustees, the selection of a chair, terms of the trustees, duties and responsibilities, setting of meetings, and establishing trustees to serve without compensation; authorizing the board of trustees to perform certain duties; providing for the appointment of a president; providing for collaboration agreements

for the establishment of magnet school programs; providing for restrictions on the amount that may be charged for tuition, fees, room, board, and books; authorizing the establishment of residential programs and commuter programs at colleges and universities; establishing the Academy of Mathematics and Science and the Academy for the Performing Arts; requiring the board of trustees to select certain host institutions pursuant to a competitive bidding process; establishing certain minimum eligibility requirements for students; authorizing a host institution to determine admission and enrollment; requiring students accepted and admitted into a magnet school program to receive the PROMISE scholarship; providing for students to receive a scholarship from the Katherine Johnson Scholarship Fund; providing that no county board or college or university will be required to participate in this program; requiring the Katherine Johnson Academy, the State Board of Education, and the Higher Education Policy Commission to promulgate a joint rule for the administration of the Katherine Johnson Academy; establishing the Katherine Johnson Scholarship Fund; providing for state and county support for the Katherine Johnson Scholarship Fund based upon per-pupil allocations; defining terms; and providing for rulemaking"; to the Committee on Education then Finance.

**By Delegate Hanna:**

**H. B. 2049** - "A Bill to amend and reenact §17A-10-3a of the Code of West Virginia, 1931, as amended, relating to the registration of antique vehicles"; to the Committee on Technology and Infrastructure.

**By Delegate Howell:**

**H. B. 2050** - "A Bill to amend and reenact §11-6F-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-13S-4 of said code; to amend said code by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, §11-13MM-3, §11-13MM-4, §11-13MM-5, §11-13MM-6, §11-13MM-7, §11-13MM-8, §11-13MM-9, §11-13MM-10, §11-13MM-11, §11-13MM-12, §11-13MM-13, §11-13MM-14, §11-13MM-15, §11-13MM-16, and §11-13MM-17; and to amend said code by adding thereto a new section, designated §11-15-9v, all relating generally

to taxation for the manufacturing, sale, and use of certain defined products to encourage economic growth; amending the definition of manufacturing for purposes of special method for appraising qualified capital additions to manufacturing facilities for property tax purposes; amending the formula for calculating the manufacturing investment tax credit amount allowed for manufacturing investment to include tire manufacturing, sport fishing equipment manufacturing, bow, quiver, broadhead, and point manufacturing, arrow shaft manufacturing, vaccine manufacturing, feed stock manufacturing, and fuel refinery manufacturing; increasing the amount of such allowable credit for said industries; creating the West Virginia Economic Diversification Act; providing for administration and enforcement of the tax credit; making legislative findings; stating legislative purpose; defining terms; specifying an amount of credit allowable based upon the amount of federal excise tax paid, providing limitations based upon qualified investment amount; providing conditions for qualification and use; defining in service or use; providing for the application of the credit to the corporate net income tax and the personal income tax, as appropriate; providing for methods of calculation of the qualified investment; providing for carry over and forfeiture of unused tax credits; providing limitations for credits being carried over; allowing transfer of qualified investment property without forfeiture under certain circumstances; requiring identification of qualified investment property and record keeping; providing penalties for failure to keep required records; providing for interpretation and construction; requiring timely filing of application for credit; specifying burden of proof; requiring periodic tax credit review and accountability reports; authorizing rulemaking; making credit subject to West Virginia Tax Procedure and Administration Act and West Virginia Tax Crimes and Penalties Act; and providing for severability; providing effective dates; and providing for certain exemptions"; to the Committee on Education then Finance.

**By Delegate Rohrbach:**

**H. B. 2051** - "A Bill to amend and reenact §16-9A-1, §16-9A-2, §16-9A-3, §16-9A-4, §16-9A-7, and §16-9A-8 of the Code of West Virginia, 1931, as amended; and to amend said code by

adding thereto a new section, designated §16-9A-11, all relating to tobacco usage restrictions; modifying legislative intent; modifying definitions; prohibiting persons under the age of 21 from purchasing tobacco products, tobacco derived products, or alternative nicotine products; making it a misdemeanor to use tobacco products, tobacco derived products, or alternative nicotine products in a building used for school instruction; prohibiting sales of tobacco products, tobacco derived products, or alternative nicotine products by firm, corporation, or entity to person under age 21; providing criminal penalties for sales of tobacco products, tobacco derived products, or alternative nicotine products; providing employer authority to terminate employment of employee who violates section; making the sale of tobacco products, tobacco derived products, or alternative nicotine products permissible reason for dismissal of employee; establishing that an employee's sale of tobacco products, tobacco derived products, or alternative nicotine products to persons under 21 be considered gross misconduct for purposes of unemployment compensation; designating the Bureau for Behavioral Health of the Department of Health and Human Resources as the entity responsible to enforce tobacco laws and conduct compliance inspections; and prohibit sales of tobacco products, tobacco derived products, or alternative nicotine products in a display independently accessible by individuals under the age of 21"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate C. Pritt:**

**H. B. 2052** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-12-3a, ensuring that all businesses in West Virginia have their respective business licenses and registrations protected from revocation for refusing to comply with any mask requirement issued during a declared state of emergency by the Governor of West Virginia or otherwise; providing for a cause of action; establishing a two-year statute of limitations to file suit; and providing an effective date"; to the Committee on Education then the Judiciary.

**By Delegate C. Pritt:**

**H. B. 2053** - "A Bill to amend and reenact §6-9A-3 of the Code of West Virginia, 1931, as amended, relating to publication of notice of a public meeting and meeting agenda at least three days prior to the date of the meeting by governing bodies of county and local government entities"; to the Committee on Government Organization.

**By Delegate Statler:**

**H. B. 2054** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-31-1, §17-31-2, §17-31-3, §17-31-4, and §17-31-5, all relating to requiring the Commissioner of Highways to develop a formula for allocating road funds among districts, for the benefit of the counties; making legislative findings; requiring the commissioner to solicit and consider public comments; requiring the commissioner to include certain factors in the formula; and requiring the commissioner to submit the formula to the Legislature for approval as a legislative rule"; to the Committee on Technology and Infrastructure then Finance.

**By Delegate Mazzocchi:**

**H. B. 2055** - "A Bill to amend and reenact §11-4-9 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §11-13LL-1; and to amend and reenact §22-3-32 of said code, all relating to exempting unmined rare earth metals and rare earth elements from taxation in West Virginia; and defining terms of unmined rare earth metals and unmined rare earth elements"; to the Committee on Energy and Manufacturing then Finance.

**By Delegate Rohrbach:**

**H. B. 2056** - "A Bill to amend and reenact §62-12-6 and §62-12-17 of the Code of West Virginia, 1931, all relating to requiring a parolee or probationer found to have suffered with addiction to participate in a support service upon release for a certain period of time"; to the Committee on Jails and Prisons then the Judiciary.

**By Delegate Rohrbach:**

**H. B. 2057** - "A Bill to amend and reenact §16-5Y-7 of the Code of West Virginia, 1931, as amended, relating to requiring the Office of Health Facility Licensure and Certification to inspect office-based medication-assisted treatment programs at least every 24 months"; to the Committee on Health and Human Resources then Finance.

**By Delegate Rohrbach:**

**H. B. 2058** - "A Bill to amend and reenact §49-4-604 of the Code of West Virginia, 1931, as amended, relating to requiring a court to verify certain conditions are met before a child who has been removed from a home may be returned to that home"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Keaton:**

**H. B. 2059** - "A Bill to amend and reenact §24-2-1n of the Code of West Virginia, 1931, as amended, relating to the West Virginia Business Ready Sites Program; removing minimum size restrictions and maximum number of sites permitted together with requirement that the program be pilot program; and providing that a potential site may be identified by an economic development agency"; to the Committee on Education.

**By Delegate Keaton:**

**H. B. 2060** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31-15A-25, relating to the reallocation of all Business and Occupation tax revenue, unless otherwise allocated, to a special revenue fund of the Infrastructure and Jobs Development Council; and providing for a three-year fiscal year phase-in date"; to the Committee on Education then Finance.

**By Delegate Keaton:**

**H. B. 2061** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-5A-1, §11-5A-2, and §11-5A-3, all relating to business personal property tax, and allowing a tax to be assessed at salvage value for business located in economically distressed areas"; to the Committee on Education.

**By Delegate Tully:**

**H. B. 2062** - "A Bill to amend and reenact §17C-1-70 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-11-8 of said code, all relating to modifying e-bike regulations to more closely comport to federal law; creating new definitions of e-bikes in West Virginia; permitting Class 2 e-bikes to use throttles; allowing e-bikes to be operated on public lands to as to increase their usage and accessibility; and stating that users of e-bikes will not be given special privileges not otherwise given to similarly situated riders"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Howell:**

**H. B. 2063** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, §11-13MM-3, §11-13MM-4, §11-13MM-5, §11-13MM-6, §11-13MM-7, §11-13MM-8, §11-13MM-9, and §11-13MM-10, all relating to the Distribution Center Tax Credit Act; providing for a short title; providing legislative findings and purpose; creating definitions, including specific definitions for both small and large distribution centers; establishing the Distribution Center tax credit; providing for restrictions on investment; providing for a penalty; providing for disclosure of tax credits; providing for tax credit review and accountability; creating rules; and providing for an effective date"; to the Committee on Education.

**By Delegate Howell:**

**H. B. 2064** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13PP-1, §11-13PP-2, §11-13PP-3, §11-13PP-4, §11-13PP-5, §11-13PP-6, §11-13PP-7, §11-13PP-8, §11-13PP-9, and §11-13PP-10, all relating to the Commercial Opportunity Zone Tax Credit Act; providing for a short title; providing legislative findings and purpose; creating definitions; establishing the Commercial Opportunity Zone tax credit; providing for restrictions on investment; providing for a penalty; providing for disclosure of tax credits; providing for tax credit review and accountability; creating



rules; and providing for an effective date"; to the Committee on Education.

**By Delegate Howell:**

**H. B. 2065** - "A Bill to amend and reenact §11-6F-2 and §11-13S-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, §11-13MM-3, §11-13MM-4, §11-13MM-5, §11-13MM-6, §11-13MM-7, §11-13MM-8, §11-13MM-9, §11-13MM-10, §11-13MM-11, §11-13MM-12, §11-13MM-13, §11-13MM-14, §11-13MM-15, §11-13MM-16, §11-13MM-17, all relating generally to taxation for the manufacturing, sale, and use of heavy duty trucks and products associated therewith to encourage economic growth; amending the definition of manufacturing for purposes of special method for appraising qualified capital additions to manufacturing facilities for property tax purposes; amending the formula for calculating the manufacturing investment tax credit amount allowed for manufacturing investment to include heavy duty truck manufacturing; increasing the amount of such allowable credit for said industries; creating the West Virginia Heavy Duty Truck Excise Tax Elimination Act; providing for administration and enforcement of the tax credit; making legislative findings; stating legislative purpose; defining terms; specifying an amount of credit allowable based upon the amount of federal excise tax paid, providing limitations based upon qualified investment amount; providing conditions for qualification and use; defining in service or use; providing for the application of the credit to the corporate net income tax and the personal income tax, as appropriate; providing for methods of calculation of the qualified investment; providing for carry over and forfeiture of unused tax credits; providing limitations for credits being carried over; allowing transfer of qualified investment property without forfeiture under certain circumstances; requiring identification of qualified investment property and record keeping; providing penalties for failure to keep required records; providing for interpretation and construction; requiring timely filing of application for credit; specifying burden of proof; requiring periodic tax credit review and accountability reports; authorizing rulemaking; making credit

subject to West Virginia Tax Procedure and Administration Act and West Virginia Tax Crimes and Penalties Act; and providing for severability; providing effective dates; and providing for certain exemptions"; to the Committee on Education.

**By Delegate Fluharty:**

**H. B. 2066** - "A Bill to repeal §55-9-1, §55-9-2, and §55-9-3 of the Code of West Virginia, 1931, as amended, all relating to repealing antiquated provisions relating to void gaming contracts, recovery and loss of money in gaming, and recovery of gaming losses by bill in equity"; to the Committee on the Judiciary.

**By Delegate Hanna:**

**H. B. 2067** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-7-18, relating to creating the 'Firearm Protection Act'; providing that any federal law which attempts to ban semiautomatic firearms or to limit the size of a magazine of a firearm or other limitation on firearms in this state is unenforceable in West Virginia; and providing an effective date"; to the Committee on the Judiciary.

**By Delegate Hanna:**

**H. B. 2068** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12n, relating to providing taxpayers repaying their own student loans a modification reducing federal adjusted gross in the amount of the interest paid, for personal income tax purposes"; to the Committee on Education then Finance.

**By Delegate Hanna:**

**H. B. 2069** - "A Bill to amend and reenact §17-16A-29 of the Code of West Virginia, 1931, as amended, relating to including emergency response vehicles in the single fee program for EZ Pass transponders"; to the Committee on Fire Departments and Emergency Medical Services then Finance.

**By Delegate Hanna:**

**H. B. 2070** - "A Bill to amend and reenact §18-2-42 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §18-21A-1, §18-21A-2,

§18-21A-3, §18-21A-4, §18-21A-5, §18-21A-6, and §18-21A-7; and to amend said code by adding thereto a new article, designated §18-34-1 and §18-34-2, all relating to vocational and technical education programs; requiring the State Board and Commerce Department to create lists of apprenticeships and certifications and credentials to provide to students; creating a career and technical education pilot program to introduce middle school students career and technical education opportunities in the state and requiring county school districts to provide certain information to students; establishing the Governor's Workforce Credential; establishing requirements for the Governor's Workforce Credential; and mandating graduation recognition for recipients of credential"; to the Committee on Education.

**By Delegate Hanna:**

**H. B. 2071** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §8-5A-1, relating to creating the Taxation With Representation Act whereby nonresidents of a municipality who work in that municipality and who pay user fees pursuant to a municipal ordinance may vote in municipal elections"; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate Pushkin:**

**H. B. 2072** - "A Bill to repeal §60A-7-704, §60A-7-705a, §60A-7-706, §60A-7-707, and §60A-7-708 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §60A-7-702a; to amend and reenact §60A-7-703 of said code; to amend said code by adding thereto two new sections, designated §60A-7-703a and §60A-7-703b; to amend and reenact §60A-7-705 of said code; and to amend said code by adding thereto nine new sections, designated §60A-7-709, §60A-7-710, §60A-7-711, §60A-7-712, §60A-7-713, §60A-7-714, §60A-7-715, §60A-7-716, and §60A-7-717, all relating generally to forfeiture of contraband; establishing criminal forfeiture and the items and property subject to forfeiture; setting forth additional procedures for forfeiture; establishing dates; permitting a court to waive a conviction requirement; protecting innocent owners; permitting seizure of personal property with and without process;

providing that there are no additional remedies and no joint and severable liability; establishing title; setting forth the disposition of forfeited property and proceeds; establishing prohibition on retaining property; establishing sales restrictions, return of property, damages, and costs; permitting the transfer of forfeited property to the federal government; providing for preemption; and defining terms"; to the Committee on the Judiciary.

**By Delegate Toney:**

**H. B. 2073** - "A Bill to amend and reenact §12-1-1, §12-1-2, §12-1-3, §12-1-6, §12-1-7, §12-1-9, §12-1-10, §12-1-11, and §12-1-12 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §12-10-1, §12-10-2, §12-10-3, §12-10-4, §12-10-5, §12-10-6, §12-10-7, §12-10-8, §12-10-9, §12-10-10, §12-10-11, §12-10-12, §12-10-13, §12-10-14, §12-10-15, §12-10-16, §12-10-17, §12-10-18, §12-10-19, §12-10-20, §12-10-21, §12-10-22, §12-10-23, §12-10-24, and §12-10-25, all relating to creating the Bank of West Virginia as a state bank; transferring the banking authorities of the State Treasurer to the State Bank; designating the Bank of West Virginia be the depositor of all state funds; providing the Bank of West Virginia provide or contract for banking services; authorizing contracting with state and federal credit unions; establishing the mission of the Bank of West Virginia; providing for a Citizens Advisory Commission; providing for the selection of an Advisory Board of Directors; describing the authority of the board of directors; providing for a bank president; establishing powers of the bank; providing for partnering with local financial institutions to create access to capital loans for community development; requiring annual audits; requiring reporting; authorizing the electronic transfer of funds; authorizing the bank to promulgate legislative rules; providing for the confidentiality of bank records; and prohibiting conflicts of interest"; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate C. Pritt:**

**H. B. 2074** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-5-31, relating to ensuring that religious services and houses of worship

remain open during any declared state of emergency by the Governor of West Virginia; providing for a cause of action; establishing a two-year statute of limitations to file suit; and providing an effective date"; to the Committee on the Judiciary.

**By Delegate Griffith:**

**H. B. 2075** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-5A-1, relating to requiring medication status information be provided to a patient's pharmacy when updating prescriptions or changing medications; and authorizing the Board of Pharmacy to propose a legislative rule"; to the Committee on Health and Human Resources.

**By Delegate Griffith:**

**H. B. 2076** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-5A-1, relating to requiring documentation of changes to patient prescriptions and notification to patient's pharmacy"; to the Committee on Health and Human Resources.

**By Delegate Martin:**

**H. B. 2077** - "A Bill to amend and reenact §18B-4-5a of the Code of West Virginia, 1931, as amended, relating to permitting the carrying of concealed weapons on the campus of a state institution of higher education"; to the Committee on Education then the Judiciary.

**By Delegate Statler:**

**H. B. 2078** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-25, relating to performance metrics for the West Virginia Division of Highways; requiring the division to develop performance standards and criteria to measure agency performance in all essential operations; requiring the division to employ a management information system that will track the division's past and current progress toward meeting performance standards; and requiring the division to report to the Joint Committee on Infrastructure"; to the Committee on Technology and Infrastructure then Government Organization.

**By Delegate Walker:**

**H. B. 2079** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, §11-13MM-3, and §11-13MM-4, relating to school personnel, providing for a housing tax credit for teachers residing in West Virginia for five years or greater"; to the Committee on Education then Finance.

**By Delegate Toney:**

**H. B. 2080** - "A Bill to amend and reenact §17C-12-7 of the Code of West Virginia, 1931, as amended, relating to providing that when a registered owner or lessee of a motor vehicle that is involved in the overtaking and passing of a stopped school bus is charged for a violation and misdemeanor offense, the state is not relieved of its burden of proof"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate Walker:**

**H. B. 2081** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §37-6-31, relating to creating a Renter's Bill of Rights and Tenant Protection Act; limiting rental rate increases under certain circumstances; setting forth exclusions; providing definitions; and providing an effective date"; to the Committee on the Judiciary.

**By Delegate Walker:**

**H. B. 2082** - "A Bill to amend and reenact §7-1-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §8-11-3a; to amend said code by adding thereto a new section, designated §19-20-3a; and to amend and reenact §33-6-14 of said code, all relating to prohibiting the enactment or enforcement of any statute, ordinance, legislative rule, policy or law that applies specifically to a particular dog breed or dog breed mix"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Walker:**

**H. B. 2083** - "A Bill to amend and reenact §19-1-4a of the Code of West Virginia, 1931, as amended, relating to requiring the Commissioner of Agriculture to provide grant money for pollinator

friendly gardening and horticulture habitats"; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegate Walker:**

**H. B. 2084** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §14-2-12a, relating to claims against the state for damages due to the condition of a road or highway; providing that during a state of emergency lasting 6 months or more, awards to vehicle owners for damages resulting from the design or condition of a roadway shall include the amount that would otherwise be excluded as auto insurance deductibles"; to the Committee on Banking and Insurance then Finance.

**By Delegate Walker:**

**H. B. 2085** - "A Bill to amend and reenact §31G-1A-2 of the Code of West Virginia, 1931, as amended, relating to powers and duties of the Office of Broadband; and requiring broadband operators to offer reduced rates to persons receiving social security supplemental security income (SSI), aid to families with dependent children (AFDC), aid to families with dependent children--unemployed (AFDC-U), or food stamps, if such food stamp recipients are 60 years of age or older"; to the Committee on Technology and Infrastructure then Finance.

**By Delegate Walker:**

**H. B. 2086** - "A Bill to amend and reenact §16-54-8 of the Code of West Virginia, 1931, as amended, relating to increasing the number of pain management visits insurance companies must cover under the opioid reduction act"; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Walker:**

**H. B. 2087** - "A Bill to amend and reenact §21-6-3 of the Code of West Virginia, 1931 as amended, relating to authorizing children age 12 or older to referee youth sporting events; and establishing conditions for eligibility"; to the Committee on Education.

**By Delegate Walker:**

**H. B. 2088** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-80, relating to providing an exemption for state income tax for West Virginia public school teachers and personnel; and providing for guidelines"; to the Committee on Finance.

**By Delegate Walker:**

**H. B. 2089** - "A Bill to amend and reenact §2-2-1a of the Code of West Virginia, 1931, as amended, relating to the establishment of a special memorial day to be known as Juneteenth honoring human rights and the end of slavery in the United States; and encouraging all counties and municipalities in the state to do the same"; to the Committee on Government Organization.

**By Delegate Walker:**

**H. B. 2090** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-6-18; and to amend and reenact §17-2A-21 of said code, all relating to requiring sharps containers in all state buildings and facilities where the public is allowed and at welcome centers and rest areas on public highways"; to the Committee on Health and Human Resources then Finance.

**By Delegate Walker:**

**H. B. 2091** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16A-17-1, §16A-17-2, §16A-17-3, §16A-17-4, §16A-17-5, and §16A-17-6, all relating to the decriminalization and legalization of cannabis; providing for a legislative purpose and findings; defining certain terms; legalizing the possession of one ounce or less of cannabis and cannabis products by adults; authorizing a special excise tax on cannabis; creating a new fund and dedicating proceeds of the fund, including funding for PEIA, for orphan roads, and for the Herbert Henderson Office of Minority Affairs; providing current laws relating to employment, vehicle operation, underage use or private property use preserved; and that the operation of this article is not intended to alter the West Virginia Medical Cannabis Act"; to the Committee on Health and Human Resources then the Judiciary then Finance.



**By Delegate Walker:**

**H. B. 2092** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-11-22, relating to discrimination, prohibiting discrimination on the basis of hairstyle or texture"; to the Committee on Government Organization then the Judiciary.

**By Delegate Howell:**

**H. B. 2093** - "A Bill to amend and reenact §11A-1-3 of the Code of West Virginia, as amended, relating to allowing for monthly payments on current real and personal property taxes, with a mechanism to allow for minor charges for those that take advantage of spreading these taxes out over many months"; to the Committee on Finance.

**By Delegate Walker:**

**H. B. 2094** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31A-8B-6, relating to requiring an audit to be made of the compliance of Commissioner of Banking and the Board of Banking and Financial Institutions to assess their compliance with the West Virginia Community Reinvestment Act; requiring the Legislative Auditor to conduct the audit; specifying essential issues to review; and requiring report to be submitted to the Joint Committee on Government and Finance"; to the Committee on Government Organization then Finance.

**By Delegate Walker:**

**H. B. 2095** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-34-1, relating to creating a quasi-public corporation to be known as the Wild and Wonderful Restoration Task Force Corporation; purposes; duties; and providing for legislative rules to prescribe the organization, powers, and duties of the corporation"; to the Committee on Agriculture and Natural Resources then Government Organization.

**By Delegate Walker:**

**H. B. 2096** - "A Bill to repeal §21-1A-1, §21-1A-2, §21-1A-3, §21-1A-4, §21-1A-5, §21-1A-6, §21-1A-7, and §21-1A-8 of the

Code of West Virginia, 1931, as amended, all relating to the Labor-Management Relations Act For The Private Sector"; to the Committee on Workforce Development then the Judiciary.

**By Delegate Walker:**

**H. B. 2097** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §25-8-1, §25-8-2, §25-8-3, §25-8-4, and §25-8-5, all relating to creating the West Virginia Higher Education Prison Task force; providing legislative findings; providing for the creation of the task force; providing for the makeup and composition of the task force; providing for a pay and meeting schedule, as well as a reporting requirement; and detailing the goal of the task force"; to the Committee on Jails and Prisons then Education then Finance.

**By Delegate Walker:**

**H. B. 2098** - "A Bill to amend and reenact §48-19-105 of the Code of West Virginia, 1931, as amended, relating to increasing minimum salaries for Bureau for Child Support Enforcement attorneys"; to the Committee on Finance.

**By Delegate Walker:**

**H. B. 2099** - "A Bill to amend and reenact §37-6A-2 of the Code of West Virginia, 1931, as amended, relating to requiring landlords to provide renters with the full amount of their security deposit if the landlord has failed any dwelling unit inspections on the property where the tenant is renting or leasing"; to the Committee on the Judiciary.

**By Delegate Walker:**

**H. B. 2100** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-6-15, relating to establishing the misdemeanor crime of obstructing access to medical facilities; prohibiting the use of force, physical detention, obstruction, or other physical hinderance of another person to prevent that person from entering or exiting a medical facility; defining the term medical facility; providing certain exceptions and limitations; and establishing criminal penalties"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Walker:**

**H. B. 2101** - "A Bill to amend and reenact §16-5-18 of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-2-8 and §17B-2-13 of said code; and to amend said code by adding thereto a new article, designated §55-22-1, §55-22-2, §55-22-3, §55-22-4, and §55-22-5, all relating to obtaining an appropriate gender marker for state documents; to providing an avenue by which persons may petition the courts to change their gender; providing for an objection process; providing guidelines for when judges may or may not grant the request; and providing for a joint petition process"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate C. Pritt:**

**H. B. 2102** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §55-2-23, relating to the Protecting Everyone's Constitutional Rights Act; ending qualified immunity; providing legislative findings and definitions; clarifying respondeat superior liability and recognizing a civil action for injury by the act or omission of a government employee under the color of law; addressing the judicial process and state court jurisdiction; providing for attorney fees; providing for termination of a contract, agreement or employment; providing a three-year statute of limitations; addressing judicial and legislative immunity, and public information; and providing an effective date"; to the Committee on the Judiciary.

**By Delegate C. Pritt:**

**H. B. 2103** - "A Bill to amend and reenact §48-9-501 of the Code of West Virginia, 1931, as amended, relating to making a de facto parenting plan an affirmative defense to the violation of a parenting plan"; to the Committee on the Judiciary.

**By Delegate McGeehan:**

**H. B. 2104** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4, and §5-30-5, all relating to providing that all future federal, state and local statutes, ordinances, laws, orders, rules, and any other actions which attempt to restrict, tax, or regulate the possession, use, discharge in lawful self-defense,

transportation, purchase, acquisition, sale, transfer, ownership, carrying, manufacture, or repair of firearms, firearm accessories, ammunition and their accouterments are invalid and unenforceable; making it a felony to attempt to enforce a federal, state or local statute, ordinance, law, order, rule, or any other action which attempts to restrict, tax, or regulate possession, use, discharge in lawful self-defense, transportation, purchase, acquisition, sale, transfer, ownership, carrying, manufacture, or repair of firearms, firearm accessories, ammunition, or their accouterments; prohibiting such laws, orders, rules, policies, and other actions by executive departments and state agencies, and providing a felony for violation; providing definitions; making findings; providing penalties; requiring the Attorney General to defend citizens of West Virginia who are prosecuted by the United States government for violation of a federal law relating to the possession, use, discharge in lawful self-defense, transportation, purchase, acquisition, sale, transfer, ownership, carrying, manufacture, or repair of a firearm, a firearm accessory, or ammunition; providing exemptions; providing for retroactivity; and providing that ex post facto laws are not created"; to the Committee on the Judiciary.

**By Delegate C. Pritt:**

**H. B. 2105** - "A Bill to amend and reenact §15-5-6 of the Code of West Virginia, 1931, as amended, relating to prohibit the emergency powers of the Governor from restricting the ability of West Virginia citizens to enter or exit the State of West Virginia; and providing right to injunctive relief"; to the Committee on the Judiciary.

**By Delegate C. Pritt:**

**H. B. 2106** - "A Bill to amend and reenact §49-4-701 of the Code of West Virginia, 1931, as amended, relating to authorizing family courts to certify a juvenile to the jurisdiction of a circuit court for proceedings"; to the Committee on the Judiciary.

**By Delegate Martin:**

**H. B. 2107** - "A Bill to amend and reenact §60A-9-5 of the Code of West Virginia, 1931, as amended, relating to adding to the persons who have access to the Controlled Substances Monitoring

Database maintained by the Board of Pharmacy"; to the Committee on Health and Human Resources.

**By Delegate C. Pritt:**

**H. B. 2108** - "A Bill to amend and reenact §18-5F-4 of the Code of West Virginia, 1931, as amended, relating to prohibiting county boards of education from restricting parents from monitoring virtual instruction programs; and providing for injunctive relief"; to the Committee on Education then the Judiciary.

**By Delegate Pushkin:**

**H. B. 2109** - "A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §5-16-7h; to amend said code by adding thereto a new section, designated §33-15-4x; to amend said code by adding thereto a new section, designated §33-16-3ii; to amend said code by adding thereto a new section, designated §33-24-7x, to amend said code by adding thereto a new section, designated §33-25-8u; and to amend said code by adding thereto a new section, designated §33-25A-8x, all relating to requiring the Public Employees Agency and other health insurance providers to provide mental health parity between behavioral health, mental health, substance use disorders and medical and surgical procedures; providing definitions; providing mandatory coverage; providing for mandatory annual reporting; providing for rulemaking; and setting forth an effective date"; to the Committee on Banking and Insurance then Finance.

**By Delegate Pushkin:**

**H. B. 2110** - "A Bill to amend and reenact §15-2C-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §15-2C-2a; and to amend and reenact §15-2C-3, §15-2C-4 and §15-2C-8 of said code, all relating to creating a domestic violence registry; providing a purpose; directing the Criminal Identification Bureau of the West Virginia State Police to establish and maintain the registry; providing for confidential inquiry of persons on the registry; establishing criteria for placement on and releasing information from the registry; requiring prosecuting attorneys to provide certain

information; and defining terms"; to the Committee on the Judiciary then Finance.

**By Delegate Pushkin:**

**H. B. 2111** - "A Bill to repeal §33-16E-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-16E-2, §33-16E-4, §33-16E-5, §33-16E-6 and §33-16E-7, all relating to increasing access to contraceptive drugs, devices, and procedures"; to the Committee on Banking and Insurance then Health and Human Resources.

**By Delegate Mallow:**

**H. B. 2112** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29B-2-1, §29B-2-2, §29B-2-3, §29B-2-4, §29B-2-5, §29B-2-6, §29B-2-7, §29B-2-8, §29B-2-9, §29B-2-10, §29B-2-11, §29B-2-12, and §29B-2-13, all relating to creating a Law-Enforcement Officers' Bill of Rights; providing definitions; general rights of officers; general procedure in investigation or interrogation by a law-enforcement agency of a law-enforcement officer; right to hearing by a hearing board; disposition of administrative action; judicial review expungement of record of formal complaint; summary punishment; emergency suspension; and misdemeanor offense for false statement, report, or complaint, with penalty"; to the Committee on the Judiciary.

**By Delegate Smith:**

**H. B. 2113** - "A Bill to amend and reenact §61-8D-3 and §61-8D-4 of the Code of West Virginia, 1931, as amended, all relating to modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse resulting in injury and child abuse or neglect creating risk of injury; providing that a prior conviction under this section subjects a person to increased penalties; and providing a definition for a prior conviction"; to the Committee on the Judiciary.

**By Delegate Smith:**

**H. B. 2114** - "A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating to allowing the

concealed carry of firearms on and in Capitol grounds"; to the Committee on the Judiciary.

**By Delegate McGeehan:**

**H. B. 2115** - "A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-21-12 of said code, all relating to exempting law-enforcement officers who are members of a municipal paid police department, county sheriff's office or the State Police from payment of income and personal property taxes"; to the Committee on Political Subdivisions then Finance.

**By Delegate McGeehan:**

**H. B. 2116** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-26, relating to allowing a taxpayer a personal income tax credit for each dependent that participated in home educational instruction for the most recent academic year"; to the Committee on Education then Finance.

**By Delegate McGeehan:**

**H. B. 2117** - "A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to the hunting of coyotes; permitting year-round hunting of coyotes using artificial light or night vision technology and permitting hunting of coyotes at any hour"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate McGeehan:**

**H. B. 2118** - "A Bill to repeal §47-11A-1, §47-11A-2, §47-11A-3, §47-11A-4, §47-11A-5, §47-11A-6, §47-11A-7, §47-11A-8, §47-11A-9, §47-11A-11, §47-11A-12a, and §47-11A-14 of the Code of West Virginia, 1931, as amended, all relating to repealing the article on unfair trade practices"; to the Committee on the Judiciary.

**By Delegate Anderson:**

**H. B. 2119** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2N-1, §5B-2N-2, §5B-2N-3, §5B-2N-4, §5B-2N-5, §5B-2N-6, and

§5B-2N-7, all relating to authorizing local units of government to adopt local energy efficiency partnership programs and to create districts to promote use of energy efficiency improvements by owners of certain real property; providing for financing of programs through voluntary property assessments, commercial lending and other means; authorizing local unit of government to issue bonds, notes and other evidences of indebtedness and to pay the cost of energy efficiency improvements from the proceeds thereof; providing for repayment of bonds, notes and other evidences of indebtedness; authorizing certain fees; prescribing the powers and duties of certain governmental officers and entities; and providing remedies"; to the Committee on Energy and Manufacturing then Finance.

**By Delegate Anderson:**

**H. B. 2120** - "A Bill to amend and reenact §24-2-11 of the Code of West Virginia, 1931, as amended, relating to coal fired power plants, regarding environmental pollution controls for coal-fired power plant findings; allowing utilities to file with the commission an application for the expedited recovery of costs for the installation and operation and maintenance of environmental pollution control equipment"; to the Committee on Energy and Manufacturing.

**By Delegate Anderson:**

**H. B. 2121** - "A Bill to amend and reenact §22-15A-3a of the Code of West Virginia, 1931, as amended, relating to the Adopt-A-Stream program; requiring volunteers aged 17 or under be accompanied by adult; allowing department to approve or deny applications at its discretion; lengthening period of adoptions from one to three years; and requiring one cleanup of river prior to road signs being erected"; to the Committee on Government Organization.

**By Delegate Steele:**

**H. B. 2122** - "A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section designated §62-1A-12; relating to custodial interrogation of a child; requiring the child have contact with legal counsel by certain means; requiring the child have contact with a parent, guardian, legal custodian, or other



legally recognized equivalent by certain means; permitting a law-enforcement officer to ask questions reasonably believed to be necessary to protect life or property without requiring contact with counsel, parents, guardians, or other recognized persons; and requiring questions of a child be limited to obtaining such information reasonably believed to be necessary to protect life or property"; to the Committee on the Judiciary.

**By Delegate Steele:**

**H. B. 2123** - "A Bill to amend and reenact §48-10-203 of the Code of West Virginia, 1931, relating to persons who may apply for grandparent visitation, providing for an expanded definition of 'grandparent'; to the Committee on Senior, Children, and Family Issues then the Judiciary.

**By Delegate Steele:**

**H. B. 2124** - "A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating to removing Hepatitis B vaccine from the list of from compulsory immunizations"; to the Committee on Health and Human Resources then Education.

**By Delegate Steele:**

**H. B. 2125** - "A Bill to repeal §5-11-5, §5-11-6, §5-11-7, §5-11-8, §5-11-11, §5-11-12, §5-11-13, §5-11-14, and §5-11-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-11-3, §5-11-4, §5-11-10, and §5-11-18 of said code; and to amend said code by adding thereto a new section, designated §5-11-22, all relating to the termination of the Human Rights Commission; providing for the courts of this state to hear claims relating to discrimination or other jurisdiction of the commission; providing for the courts the powers and objectives to carry out the provisions; providing for the courts to receive complaints, conduct hearings, and issue orders relating to discriminatory practices; providing for the right of a plaintiff or defendant to request a jury trial; providing for the courts of this state to issue injunctions relating to certain housing complaints; providing for termination of the Human Rights Commission; providing for 180 days for the commission to wind up its affairs; providing for other mechanisms persons in this state may seek redress for complaints filed with the commission; providing for any remaining funds outstanding the

day the commission ceases to exist to be used for any outstanding financial obligations; and providing for any remaining funds from the commission after paying financial obligations be transferred to the General Revenue Fund"; to the Committee on Government Organization.

**By Delegate Steele:**

**H. B. 2126** - "A Bill to amend and reenact §15A-3-14 of the Code of West Virginia 1931, as amended, relating to increasing the amount of money for which a purchase may be made without obtaining three bids to \$10,000"; to the Committee on Finance.

**By Delegate Steele:**

**H. B. 2127** - "A Bill to amend and reenact §48-8-101 of the Code of West Virginia, 1931, as amended; and to repeal §48-8-102, §48-8-103, §48-8-104, §48-8-105, and §48-8-106 of said code, all relating to abolishing spousal support"; to the Committee on the Judiciary.

**By Delegate Steele:**

**H. B. 2128** - "A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to compensable diseases of certain firefighters covered by workers' compensation; establishing rebuttable presumption of injury arising out of and in the course of employment for certain covered firefighters that develop bladder cancer, mesothelioma, and testicular cancer; and providing that the rebuttable presumption expires on July 1, 2027, unless extended by the Legislature"; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

**By Delegate Steele:**

**H. B. 2129** - "A Bill to amend the Code of West Virginia, as amended, by adding thereto a new section, designated §62-12-30, relating to extended supervision for certain drug offenders; establishing supervised release penalty of up to 10 years for certain drug offenders; establishing when period of supervised release begins; providing for supervision by multijudicial circuit probation officers; clarifying terms of supervised release same as those for probation; establishing a fee for supervised release; establishing that court may modify or revoke supervised release; providing

court required probation officer provide written conditions; providing for supervised release following revocation; providing for delayed revocation"; to the Committee on the Judiciary.

**By Delegate Steele:**

**H. B. 2130** - "A Bill to amend and reenact §48-13-201 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §48-13-403a, all relating to allowing as a deduction to determine adjusted gross income for either parent student loan payments and mortgage payments not to exceed 25 percent of gross income"; to the Committee on Senior, Children, and Family Issues then the Judiciary.

**By Delegate Steele:**

**H. B. 2131** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §6-7-9, relating to prohibiting payroll deductions to electioneering organizations"; to the Committee on the Judiciary.

**By Delegate Steele:**

**H. B. 2132** - "A Bill to amend and reenact §8-13-13 of the Code of West Virginia, 1931, as amended, relating to providing that a municipal services user fee may not be imposed on employees of the state because of their employment status"; to the Committee on Political Subdivisions then Finance.

**By Delegate Steele:**

**H. B. 2133** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-24a, relating to establishing tax credits for parents and legal guardians whose children are in a home schooling program or private school; and providing rule-making authority"; to the Committee on Finance.

**By Delegate Toney:**

**H. B. 2134** - "A Bill to amend and reenact §5-16-13 of the Code of West Virginia, 1931, as amended, relating to the use of accrued annual and sick leave for retirement service credit in the

Teachers Retirement System"; to the Committee on Pensions and Retirement then Finance.

**By Delegate Toney:**

**H. B. 2135** - "A Bill to amend and reenact §18-5-4 of the Code of West Virginia, 1931, as amended, relating to county board of education compensation; increasing compensation to \$250 per meeting"; to the Committee on Education then Finance.

**By Delegate Toney:**

**H. B. 2136** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-37; and to amend said code by adding thereto a new section, designated §18-7A-26x, all relating to providing a cost-of-living provision for certain persons retired under the Public Employees Retirement System and the Teachers Retirement System"; to the Committee on Pensions and Retirement then Finance.

**By Delegate Toney:**

**H. B. 2137** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-10b, relating to providing an optional lump sum payment of accrued personal leave to full-time employees of a county school board upon termination of full-time employment"; to the Committee on Education then Finance.

**By Delegate Toney:**

**H. B. 2138** - "A Bill to amend and reenact §18-7A-28 of the Code of West Virginia, 1931, as amended, relating to the State Teachers Retirement System; options to beneficiaries; and authorizing a change of options because of death of beneficiary with a joint life annuity, within the first five years of retirement"; to the Committee on Pensions and Retirement then Finance.

**By Delegate Toney:**

**H. B. 2139** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-55, relating to a one-time cost-of-living supplement to retirement benefits under \$60,000 a year"; to the Committee on Pensions and Retirement then Finance.

**By Delegate Hornbuckle:**

**H. B. 2140** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7h; to amend said code by adding thereto a new section, designated §16-5A-6; to amend said code by adding thereto a new section, designated §33-15-4x; to amend and reenact §33-16-3g of said code; to amend said code by adding thereto a new section, designated §33-16-3pp; to amend and reenact §33-24-7b of said code; to amend said code by adding thereto a new section, designated §33-24-7x; to amend said code by adding thereto a new section, designated §33-25-8u; and to amend said code by adding thereto a new section, designated §33-25A-8x, all relating to insurance coverage for breast cancer screening"; to the Committee on Banking and Insurance then Finance.

**By Delegate Hornbuckle:**

**H. B. 2141** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-29-15, relating to the establishment of the Police Partnering With Communities Act; providing for a short title; providing for legislative findings; defining a 'distressed area,' providing for the establishment of the Police Partnering With Communities Fund; and providing for an effective date"; to the Committee on the Judiciary then Finance.

**By Delegate Hornbuckle:**

**H. B. 2142** - "A Bill to amend and reenact §15A-3-4 of the Code of West Virginia, 1931, as amended, relating to requiring correctional facilities to assist juvenile and adult offenders to obtain a Social Security number and card, a birth certificate, and a driver's license"; to the Committee on Jails and Prisons then the Judiciary.

**By Delegate Hornbuckle:**

**H. B. 2143** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-25A-1, §16-25A-2, and §16-25A-3, all relating to screening for adverse childhood experiences; providing for a definition and setting forth legislative findings; and setting forth terms for mandatory

insurance coverage and school coverage"; to the Committee on Banking and Insurance then Finance.

**By Delegate Barnhart:**

**H. B. 2144** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated, §5-30-1, §5-30-2, §5-30-3, §5-30-4, §5-30-5, §5-30-6, §5-30-7, §5-30-8, §5-30-9, and §5-30-10, all relating to creating the 'Council on Efficient Government;' providing a purpose of ensuring that each state agency focuses on its core mission and delivers goods and services effectively and efficiently by leveraging resources and contracting with private sector vendors, if those vendors can more effectively and efficiently provide goods and services and reduce the cost of government; evaluating for feasibility, cost effectiveness, and efficiency business cases to be outsourced before a state agency proceeds with any outsourcing of goods or services; providing for a review process by the Governor's office; defining applicability; and setting terms"; to the Committee on Government Organization.

**By Delegate Hornbuckle:**

**H. B. 2145** - "A Bill to repeal §16A-5-10 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §5B-11-1, §5B-11-2, §5B-11-3, §5B-11-4, §5B-11-5, §5B-11-6, §5B-11-7, §5B-11-8, §5B-11-9, §5B-11-10, §5B-11-11, §5B-11-12, §5B-11-13, §5B-11-14, §5B-11-15, and §5B-11-16; to amend and reenact §16A-15-4 of said code; and to amend said code by adding thereto a new section, designated §60A-7-709, all relating to decriminalizing cannabis; providing a short title; providing legislative purpose and findings; providing for definitions; permitting the possession of cannabis and cannabis products by adults; permitting production and adult use of cannabis; restricting public smoking of cannabis; prohibiting false identification to obtain cannabis; providing for the unlawful extraction of cannabis; providing for the lawful operation of a cannabis facility; permitting growing and possession of cannabis by adults; providing procedure for municipalities to enact an ordinance to permit cannabis production and sales; regulating market activity for the production, sales, transfer, and transport of

cannabis; establishing diversity licensing goals for minority, women, and veteran owned businesses; establishing mechanisms for permitting and licensing production and sales facilities by the Department of Commerce and localities; authorizing the department to promulgate rules, establish licensing, and administrative penalties relating to the production, sales, transfer, and transport cannabis in authorizing counties; authorizing the Department of Revenue to promulgate rules and administer tax collections; authorizing localities to regulate manufacturing and sales locations; providing for safety warning and inserts on cannabis products; authorizing a special excise tax on cannabis; creating a new fund and dedicating proceeds of the fund to additional funds; creating new funds for excise tax deposits; providing for a portion of tax collected benefit municipal governments where market activity occurs; providing current laws relating to employment, vehicle operation, underage use or private property use preserved; providing for background checks to employ anyone in a cannabis establishment; establishing certain conditions for employees to pass background checks; providing that no medical cannabis provisions are affected; expanding protections to employees relating to employment and the use of medical cannabis; and prohibiting asset forfeiture"; to the Committee on Health and Human Resources then the Judiciary then Finance.

**By Delegate Hornbuckle:**

**H. B. 2146** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-3F-1, §21-3F-2, §21-3F-3, §21-3F-4, and §21-3F-5, all relating to enacting a workplace violence prevention for health care and social service workers act; providing legislative findings, definitions, workplace violence prevention standard, and requirements for such"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Smith:**

**H. B. 2147** - "A Bill to amend and reenact §11-8-16 of the Code of West Virginia, 1931, as amended, relating to allowing for surplus money collected above voter approved excess levy requests

to remain with the county voting for the levy and placed in the county's general fund"; to the Committee on Political Subdivisions then Finance.

**By Delegate Hanna:**

**H. B. 2148** - "A Bill to repeal §18-9D-1, §18-9D-2, §18-9D-3, §18-9D-4, §18-9D-4a, §18-9D-4b, §18-9D-4c, §18-9D-4d, §18-9D-5, §18-9D-6, §18-9D-7, §18-9D-8, §18-9D-9, §18-9D-10, §18-9D-11, §18-9D-12, §18-9D-13, §18-9D-14, §18-9D-15, §18-9D-16, §18-9D-17, §18-9D-18, §18-9D-19, §18-9D-19a, §18-9D-20, and §18-9D-21 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, §18-2L-4, §18-2L-4a, §18-2L-4b, §18-2L-4c, §18-2L-4d, §18-2L-5, §18-2L-6, §18-2L-7, §18-2L-8, §18-2L-9, §18-2L-10, §18-2L-11, §18-2L-12, §18-2L-13, §18-2L-14, §18-2L-15, §18-2L-16, and §18-2L-17, all relating to moving the duties of the School Building Authority ('SBA') to the State Department of Education under a new office, the Office of School Rehabilitation and Construction; providing definitions; creating powers and authority; allowing the Office of School Rehabilitation and Construction to sell bonds and act in the same manner as the School Building Authority does; and repealing the article creating the School Building Authority"; to the Committee on Education then Finance.

**By Delegate Hanna:**

**H. B. 2149** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, §18-2L-4, §18-2L-5, §18-2L-6, §18-2L-7, §18-2L-8, §18-2L-9, §18-2L-10, §18-2L-11, and §18-2L-12; and to amend said code by adding thereto a new article, designated §18C-10-1, §18C-10-2, §18C-10-3, §18C-10-4, and §18C-10-5, all relating generally to the establishment of the Katherine Johnson Academy as magnet school programs at colleges and universities in West Virginia; defining terms; creating a board of trustees to govern the Katherine Johnson Academy; providing for membership of the board of trustees, the selection of a chair, terms of the trustees, duties and responsibilities, setting of meetings, and establishing trustees to serve without compensation; authorizing



the board of trustees to perform certain duties; providing for the appointment of a president; providing for collaboration agreements for the establishment of magnet school programs; providing for restrictions on the amount that may be charged for tuition, fees, room, board, and books; authorizing the establishment of residential programs and commuter programs at colleges and universities; establishing the Academy of Mathematics and Science and the Academy for the Performing Arts; requiring the board of trustees to select certain host institutions pursuant to a competitive bidding process; establishing certain minimum eligibility requirements for students; authorizing a host institution to determine admission and enrollment; requiring students accepted and admitted into a magnet school program to receive the PROMISE scholarship; providing for students to receive a scholarship from the Katherine Johnson Scholarship Fund; providing that no county board or college or university will be required to participate in this program; requiring the Katherine Johnson Academy, the State Board of Education, and the Higher Education Policy Commission to promulgate a joint rule for the administration of the Katherine Johnson Academy; establishing the Katherine Johnson Scholarship Fund; providing for state and county support for the Katherine Johnson Scholarship Fund based upon per-pupil allocations; defining terms; and providing for rulemaking"; to the Committee on Education then Finance.

**By Delegate McGeehan:**

**H. B. 2150** - "A Bill to amend and reenact §49-4-712 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §49-4-712a, all relating to requiring parents or guardians to participate in programs for juveniles in an out-of-home placement"; to the Committee on the Judiciary.

**By Delegate Smith:**

**H. B. 2151** - "A Bill to amend and reenact §61-11-6 of the Code of West Virginia, 1931, as amended, relating to certain persons who are accessories to a crime before or after the fact; providing that no person who is a domestic partner to a felony offender may be considered an accessory after the fact; removing

prohibition that a servant of an offender may not be considered an accessory after the fact; providing that an accessory to a felony who is the brother or sister, parent or grandparent, or child or grandchild of the principal offender is guilty of a misdemeanor; providing that an accessory to a misdemeanor is a misdemeanor; and providing penalties"; to the Committee on the Judiciary.

**By Delegate McGeehan:**

**H. B. 2152** - "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to personal income tax; exempting social security benefits from personal income tax"; to the Committee on Finance.

**By Delegate Rohrbach:**

**H. B. 2153** - "A Bill to repeal §5-3-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §5-3A-1, §5-3A-2, §5-3A-3, §5-3A-4, §5-3A-5, and §5-3A-6, all relating to creating the state Settlement and Recovered Funds Accountability Act; providing a short title; setting forth legislative findings; directing that recovered funds and assets to be deposited into the State Treasury in the General Revenue Fund of the state, and exceptions; directing that certain recovered funds and assets be held in trust to be deposited into a special revenue account in the State Treasury; prohibiting agreements to settlement or agreement terms that are contrary to the depositing of funds in the State Treasury; requiring quarterly transfer of funds from the Consumer Protection Recovery Fund into the General Revenue Fund; authorizing the deposit and expenditure of attorney fees, expenses and costs awarded to the Attorney General from the fund; prohibiting agreements to settlement or agreement terms that are contrary to the provisions of law; requiring quarterly reporting by the Attorney General as to the disposition of matters; and repealing provisions governing the disposition of certain fees of the Attorney General taxed as costs in legal proceedings"; to the Committee on the Judiciary then Finance.

**By Delegate Anderson:**

**H. B. 2154** - "A Bill to amend and reenact §17C-15-49 of the Code of West Virginia, 1931, as amended, relating to admissibility

of certain evidence in a civil action for damages; and allowing the admission of the use or nonuse of a safety belt on the issues of negligence, contributory negligence, comparative negligence and failure to mitigate damages"; to the Committee on the Judiciary.

**By Delegate McGeehan:**

**H. B. 2155** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-1B-1a, relating to the West Virginia National Guard; requiring an official declaration of war or an action to call forth the state militia by the United States Congress before members of the West Virginia National Guard may be released from state control to participate in active duty combat"; to the Committee on Veterans' Affairs and Homeland Security then the Judiciary.

**By Delegate McGeehan:**

**H. B. 2156** - "A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-21-12 of said code, all relating to exempting firefighters and volunteer firefighters from payment of income and real and personal property taxes"; to the Committee on Fire Departments and Emergency Medical Services then Finance.

**By Delegate McGeehan:**

**H. B. 2157** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-1-5, relating to school curricular standards and assessments; discontinuing the use of common core standards and assessments in the state"; to the Committee on Education.

**By Delegate McGeehan:**

**H. B. 2158** - "A Bill to amend and reenact §11-21-3 of the Code of West Virginia, 1931, as amended, relating to abolishing the personal income tax"; to the Committee on Finance.

**By Delegate Hansen:**

**H. B. 2159** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §24-2I-1, §24-2I-2, §24-2I-3, and §24-2I-4, all relating to establishing a community solar program for subscribers to gain credits against

their utility bills; providing legislative findings; defining terms; authorizing subscriber based solar projects that allow solar power production to be granted credit against electric power costs; providing that an authorized project is not deemed as a utility; providing conditions and terms for operation for a facility; providing for regulation of the program by the Public Service Commission; providing conditions for credits; providing requirements for subscriber organizations; and providing Public Service Commission rulemaking authority and directives"; to the Committee on Energy and Manufacturing then the Judiciary.

**By Delegate Westfall:**

**H. B. 2160** - "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to the authority of the Division of Motor Vehicles to issue a special registration plate for autism awareness"; to the Committee on Technology and Infrastructure then Government Organization.

**By Delegate Keaton:**

**H. B. 2161** - "A Bill to amend and reenact §15-2A-6 of the Code of West Virginia, 1931, as amended, relating to increasing the West Virginia State Police 2023 Retirement annuity from three to four percent"; to the Committee on Pensions and Retirement then Finance.

**By Delegate Keaton:**

**H. B. 2162** - "A Bill to amend and reenact §33-20B-9 of the Code of West Virginia, 1931, as amended, relating to requiring insurers of physicians who perform abortions to establish a separate insurance pool"; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Keaton:**

**H. B. 2163** - "A Bill to amend and reenact §11-13S-4 of the Code of West Virginia, 1931, as amended, relating to the amount of tax credit allowed for manufacturing investment; and reducing the 40 percent limitation to 25 percent"; to the Committee on Energy and Manufacturing then Finance.

**By Delegate Keaton:**

**H. B. 2164** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-7L-1, §55-7L-2, and §55-7L-3, all relating to permitting civil actions by a social media website user for censorship or suppression of social media user's speech; providing definitions; stating defenses to civil action; and authorizing the Attorney General to bring action on behalf of a social media user"; to the Committee on the Judiciary.

**By Delegate Keaton:**

**H. B. 2165** - "A Bill to amend and reenact §33-3-14 of the Code of West Virginia, 1931, as amended, relating to dedicating 25 percent of the annual insurance premium tax to the PEIA Rainy Day Fund"; to the Committee on Banking and Insurance then Finance.

**By Delegate Keaton:**

**H. B. 2166** - "A Bill to amend and reenact §48-10-501 of the Code of West Virginia, 1931, as amended, relating to making the best interest of the child the sole consideration in granting grandparent visitation"; to the Committee on Senior, Children, and Family Issues then the Judiciary.

**By Delegate Pushkin:**

**H. B. 2167** - "A Bill to amend and reenact §18-9A-2 of the Code of West Virginia, 1931, as amended, relating to calculation of the school aid formula based on net enrollment at alternative and year-round schools"; to the Committee on Education.

**By Delegate Pushkin:**

**H. B. 2168** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-14D-1, §11-14D-2, and §11-14D-3, all relating to providing tax credits to provide vehicles to certain persons; authorizing a tax credit for individual tax payers under certain conditions; authorizing a tax credit to license automobile dealers under certain conditions; providing for definitions; establishing the minimum criteria of a qualified charitable organization; establishing the minimum criteria for an eligible vehicle to be used as the basis of the tax credit; requiring that the Tax Commissioner track the number and

amount of tax credits claimed; providing that multiple qualified charitable organizations may use a percentage of total allowable tax credits for the year; providing the Tax Commissioner can develop criteria for allocating percentages of the total allowable tax credits to qualified charitable organizations; establishing the maximum amount of tax credits for tax years 2021 through 2022 at \$300,000; establishing the maximum amount of tax credits for subsequent years at \$1 million; and providing for rule-making authority"; to the Committee on Finance.

**By Delegate Criss:**

**H. B. 2169** - "A Bill to amend and reenact §11-6K-1 and §11-6K-3 of the Code of West Virginia, 1931, as amended, all generally relating to the assessment and valuation of industrial property and natural resource property; for assessments made on or after July 1, 2024, providing that the arithmetic means for annual production and average coal price to value coal properties shall be based upon the full calendar year immediately preceding the July 1 assessment date; providing that the Tax Commissioner shall utilize an average coal density of 1800 tons per acre foot, unless clear and convincing evidence is submitted by a taxpayer establishing a lower density value; providing that density information reported on returns, due on or before May 1 of each year, shall be used to determine values for the immediately following July 1 assessments; providing that the Tax Commissioner shall take into consideration economic viability and engineering considerations when establishing values for coal properties; providing that coal beds which are of a thickness of less than 35 inches shall not be classified as mineable coal for valuation for property tax purposes unless there is clear and convincing evidence to the contrary; providing that no permitted coal seam may be classified for taxation as active until actual depletion of coal commences under a permit; providing that for any owner, operator, or producer which fails to make a return within the time required, any and all penalties imposed shall be equally and uniformly applied across all forms of industrial property and natural resources property; and specifying an effective date"; to the Committee on Education then Finance.

**By Delegate Criss:**

**H. B. 2170** - "A Bill to amend and reenact §11-6K-1 and §11-6K-3 of the Code of West Virginia, 1931, as amended, all generally relating to the assessment and valuation of industrial property and natural resource property; for assessments made on or after July 1, 2024, providing that the arithmetic means for annual production and average coal price to value coal properties shall be based upon the full calendar year immediately preceding the July 1st assessment date; providing that the Tax Commissioner shall utilize an average coal density of 1800 tons per acre foot, unless clear and convincing evidence is submitted by a tax payer establishing a lower density value; providing that density information reported on returns, due on or before May 1 of each year, shall be used to determine values for the immediately following July 1 assessments; providing that the Tax Commissioner shall take into consideration economic viability and engineering considerations when establishing values for coal properties; providing that coal beds which are of a thickness of less than 35 inches shall not be classified as mineable coal for valuation for property tax purposes unless there is clear and convincing evidence to the contrary; providing that no permitted coal seam may be classified for taxation as active until actual depletion of coal commences under a permit; providing that for any owner, operator, or producer which fails to make a return within the time required, any and all penalties imposed shall be equally and uniformly applied across all forms of industrial property and natural resources property; and specifying an effective date"; to the Committee on Energy and Manufacturing then Finance.

**By Delegate Criss:**

**H. B. 2171** - "A Bill to amend and reenact §17C-15-37 of the Code of West Virginia, 1931, as amended, relating to removing inoperative provisions requiring the Commissioner of Highways to set standards for studded snow tires"; to the Committee on Technology and Infrastructure then Government Organization.

**By Delegate Mallow:**

**H. B. 2172** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1;

and to amend said code by adding thereto a new article, designated §8-20B-1, all relating to unsafe real property conditions in counties or municipalities; providing a process by which county commissions may compel the cleanup of hazardous real property conditions; providing a power to assert a lien if a real property owner fails to comply with a hazardous condition resolution by a county commission; providing a hearing an appeals process regarding unsafe condition determinations made by county commissions; providing a process by which local governing bodies may compel the cleanup of hazardous real property conditions; providing a power to assert a lien if a real property owner fails to comply with a local governing body's hazardous condition resolution; and providing a hearing an appeals process on unsafe condition determinations made by local governing bodies"; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate Mallow:**

**H. B. 2173** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-5-16, relating to limiting the assessed value of antique or classic vehicles; and providing a justification requirement for any increase by the county tax assessor which must be presented to the vehicle owner before any increase may take effect"; to the Committee on Political Subdivisions then Finance.

**By Delegate Mallow:**

**H. B. 2174** - "A Bill to amend and reenact §22-6-2 the Code of West Virginia, 1931, as amended, relating to requiring the secretary of the Department of Environmental Protection to adopt rules relating to the standardization of leases, deeds or contracts relating to oil and gas, consistent in format with the purpose of making the terms of these documents less confusing to the landowners"; to the Committee on the Judiciary.

**By Delegate Mallow:**

**H. B. 2175** - "A Bill to amend and reenact §5C-2-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-6A-5a of said code; and to amend and reenact §11-13A-6 of said code, all relating to ensuring that coal remains the primary source of power in West Virginia during emergency weather events;



limiting the new amount of permits to construct wind power plant, wind power farm, or 'windmills' for power generally in West Virginia; and providing that for each new wind powered facility built in West Virginia, there is an offset in the amount of taxes paid by new and existing coal fired power plants"; to the Committee on Energy and Manufacturing then Finance.

**By Delegate Mallow:**

**H. B. 2176** - "A Bill to amend and reenact §11-6B-3 of the Code of West Virginia, 1931, as amended, relating to property tax exemptions; providing for an exemption from increasing property tax for eligible individuals"; to the Committee on Finance.

**By Delegate Mallow:**

**H. B. 2177** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-1C-9a, relating to fair and equitable assessment of real property; providing Legislative findings; providing that it is unlawful to increase the assessed value of real property for no apparent reason than to establish a new or additional source of revenue; and providing that increased assessments may be made only upon the periodic evaluation of the property"; to the Committee on Finance.

**By Delegate Mallow:**

**H. B. 2178** - "A Bill to amend and reenact §24-2A-5 of the Code of West Virginia, 1931, as amended, relating to authorizing reduced rates for residential utility customers who are residents of a small community with fewer than 1000 residents"; to the Committee on the Judiciary then Finance.

**By Delegate Mallow:**

**H. B. 2179** - "A Bill to amend and reenact §30-42-10 of the Code of West Virginia, 1931, as amended, relating to requiring a written contract between a licensed contractor and owner or lessee of residential property and information to be contained in the written contract"; to the Committee on the Judiciary.

**By Delegate Skaff:**

**H. B. 2180** - "A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended; and to amend said code

by adding thereto a new section, designated §18C-7-8, all relating to the creation and administration of a scholarship program for college students who remain in-state after graduation; providing for awards upon agreement for repayment of an amount of the grant only if the recipient chooses not to live in the state after graduation; establishing eligibility requirements; providing program requirements; granting rulemaking authority; and creating a new special revenue account"; to the Committee on Education then Finance.

**By Delegate Skaff:**

**H. B. 2181** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-15-1, relating to establishing an animal abuser registry; establishing requirements for registration; directing the State Police to establish and maintain a state registry; providing what crimes require registration; requiring each law-enforcement agency to submit information relating to convicted animal abusers; and establishing a criminal penalty for failure to register"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Skaff:**

**H. B. 2182** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-21-1, §18B-21-2, §18B-21-3, §18B-21-4, §18B-21-5, §18B-21-6, §18B-21-7, §18B-21-8, §18B-21-9, and §18B-21-10, all relating to improving the mental health of higher education students; providing legislative findings; defining terms; developing the necessary training, peer support and local assistance collaboration within colleges and universities; directing the West Virginia Higher Education Policy Commission and the Community and Technical College System of West Virginia to collaborate in establishing resources with the responsibility of collecting, analyzing, and disseminating data related to mental health in higher education; and providing funding recommendations"; to the Committee on Education then Finance.

**By Delegate Skaff:**

**H. B. 2183** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-

13MM-1, §11-13MM-2, §11-13MM-3, §11-13MM-4, §11-13MM-5, §11-13MM-6, and, §11-13MM-7, all relating generally to creating a personal income tax credit for nurses in West Virginia; providing for definitions; providing for a tax credit for nurses for personal income tax in a taxable year; providing for a tax credit limitation of \$5,000 for a single person; providing for a tax credit limitation of \$10,000 of persons filing tax returns jointly under certain conditions; providing that the tax credit for nurses must be used in the taxable year and cannot be carried forward; providing for documentation of eligibility for the tax credit; providing for required contents of the documentation evidencing eligibility for the tax credit; providing that the form must be sent to the Tax Commissioner to receive the tax credit; providing for rule-making authority; providing for reporting at certain time; and providing for an effective date"; to the Committee on Health and Human Resources then Finance.

**By Delegate Skaff:**

**H. B. 2184** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-2-45, relating to permitting election day registration of voters"; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate Skaff:**

**H. B. 2185** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-98, relating to a tax credit for any new teacher who remains in the state and works as a teacher five years after graduation"; to the Committee on Education then Finance.

**By Delegate Mallow:**

**H. B. 2186** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5B-20, relating to requirements for smoke evacuation systems for health care facilities; defining terms; and creating penalties for violation of requirement"; to the Committee on Health and Human Resources.

**By Delegate Horst:**

**H. B. 2187** - "A Bill to amend and reenact §61-7-2 of the Code of West Virginia, 1931, as amended, relating to adding definition of 'ammunition' for purposes of obtaining state license to carry concealed deadly weapon"; to the Committee on the Judiciary.

**By Delegates Horst and Kirby:**

**H. B. 2188** - "A Bill to amend and reenact §61-7-3, §61-7-6, and §61-7-7 of the Code of West Virginia, 1931, as amended, all relating to allowing those persons 18 to 20 years old to be able to carry a concealed deadly weapon without a permit, as is presently allowed for those persons 21 years and older"; to the Committee on the Judiciary.

**By Delegate Horst:**

**H. B. 2189** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-17-1, §62-17-2, §62-17-3, §62-17-4, and §62-17-5, all relating to creating the Protection of Property from Warrantless Searches Act; short title; legislative findings; definitions; enumerating conditions for government to enter homes and private land; illegal searches and seizures; and providing right to sue for declaratory and injunctive relief, compensatory and nominal damages, and attorney's fees"; to the Committee on the Judiciary.

**By Delegate Burkhammer:**

**H. B. 2190** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §23-4-2a, relating to eligibility for workers' compensation benefits by persons that suffer a traumatic personal injury; requiring blood tests of persons being treated for a traumatic personal injury by the medical provider to determine whether the person is intoxicated under certain circumstances; requirements for testing; circumstances when a blood test may not be administered; exceptions; denial of benefits upon refusal to submit to a blood test; disclosure to certain persons of test information and results and of refusal of test; and limiting criminal and civil liability of persons administering tests"; to the Committee on the Judiciary.

**By Delegate Burkhammer:**

**H. B. 2191** - "A Bill to amend and reenact §17A-3-2 of the Code of West Virginia, 1931, as amended, relating to providing motor vehicle registrations and license plates free of charge to volunteer firefighters who have at least five years of service"; to the Committee on Fire Departments and Emergency Medical Services then Finance.

**By Delegate Burkhammer:**

**H. B. 2192** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-57-2, relating to health insurance; prohibiting certain actions and defining terms"; to the Committee on Health and Human Resources then Finance.

**By Delegate Burkhammer:**

**H. B. 2193** - "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to personal income tax; removing certain deductions for modification of social security income in adjusted gross income"; to the Committee on Finance.

**By Delegate Jennings:**

**H. B. 2194** - "A Bill to amend and reenact §55-19-7 of the Code of West Virginia, 1931, as amended, relating to the removing the protection of the Act from employers that require vaccinations as a condition of employment"; to the Committee on Workforce Development then Health and Human Resources.

**By Delegate Jennings:**

**H. B. 2195** - "A Bill to amend and reenact §18-2E-10 of the Code of West Virginia, 1931, as amended, relating to providing for a multi-tiered system of support intervention for grade level literacy and numeracy by end of third grade; making findings; replacing transformative intervention framework with multi-tiered system of support; addressing both reading and mathematics; requiring early learning reporting system and specifying uses; specifying minimum information and notice to parent or guardian; providing for professional learning for certain teachers and specifying subjects; ensuring certain training and instruction be

provided by education preparation programs that prepare candidates seeking licensure for elementary education; removing redundant language; providing for data from the early learning reporting system to be used to inform classroom teacher's recommendation regarding grade level retention; requiring county board implementation; requiring reports by state board; requiring certain legislative appropriation and other funds be used for implementation; requiring retention in third grade of public school and public charter school student who demonstrate minimal grade level understanding and ability upon recommendation of teacher and student assistance team; providing exceptions; requiring students starting in the fourth grade who score below proficient in English language arts or mathematics on general summative assessment to continue to be provided intervention until grade level proficient"; to the Committee on Education.

**By Delegate Jennings:**

**H. B. 2196** - "A Bill to repeal §16-5Y-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-2D-9 and §16-2D-11; all relating to certificate of need; removing a health services from the list of services which may not be developed; and exempting health services from certificate of need"; to the Committee on Health and Human Resources.

**By Delegate Barnhart:**

**H. B. 2197** - "A Bill to amend and reenact §52-1-17 of the Code of West Virginia, 1931, as amended, relating to increasing the reimbursement for persons serving on petit jurors"; to the Committee on the Judiciary then Finance.

**By Delegate Barnhart:**

**H. B. 2198** - "A Bill to amend and reenact §17C-1-70 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-11-8 of said code, all relating to modifying the definition of 'e-bikes' in West Virginia generally; defining a Class 2 electric bicycle; and clarifying where an individual is permitted to operate a Class 2 electric bicycle"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Hornbuckle:**

**H. B. 2199** - "A Bill to amend and reenact §61-2-15a of the Code of West Virginia, as amended, relating to increasing the fines for conviction of assault or battery of athletic officials"; to the Committee on the Judiciary.

**By Delegate Hornbuckle:**

**H. B. 2200** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-11-1, §9-11-2, and §9-11-3, all relating to creating the Fair Chance Act; establishing certain benefits and services for persons convicted of any felony offense related to the possession, sale, or distribution of crack cocaine from 1980 to the present; and establishing that the benefits are prospective only"; to the Committee on the Judiciary.

**By Delegate Hornbuckle:**

**H. B. 2201** - "A Bill to amend and reenact §33-13-25 of the Code of West Virginia, 1931, as amended, to amend and reenact §33-14-8 of said code; to amend and reenact §33-15A-6 of said code; to amend and reenact §33-15-1b of said code; to amend said code by adding thereto new section, designated §33-16-11a; and to amend and reenact §33-25-8 of said code, all relating to prohibiting an insurer from declining or limiting coverage on a person under any life insurance policy, major medical coverage policy, disability insurance policy, or long-term care insurance policy solely due to the status of that person as a living organ donor"; to the Committee on Banking and Insurance then Health and Human Resources.

**By Delegate Hornbuckle:**

**H. B. 2202** - "A Bill to amend and reenact §31-15-6 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Economic Development Authority; and its obligation to provide effective technical and business advisory services to African-Americans and minority-owned and-operated enterprises that are available under the Community Development and Financial Institutions Act of 1994 and the Federal emergency Capital Investment Program (ECIP) established by the Consolidated Appropriations Act of 2021"; to the Committee on Economic Development and Tourism then Finance.

**By Delegate Hornbuckle:**

**H. B. 2203** - "A Bill to amend and reenact §18-2-7c of the Code of West Virginia, 1931, as amended, relating to requiring the State Board of Education to establish a Personal Finance Literacy pilot program to be implemented in at least five public high schools, for the duration of three years"; to the Committee on Education then Finance.

**By Delegate Keaton:**

**H. B. 2204** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3-60, relating to crimes against houses of worship, increasing criminal penalties for crimes against houses of worship, as defined by this section"; to the Committee on the Judiciary.

**By Delegate Fluharty:**

**H. B. 2205** - "A Bill to amend and reenact §6B-3-2 of the Code of West Virginia, 1931, as amended, relating to prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists; and providing an effective date"; to the Committee on the Judiciary.

**By Delegate Mallow:**

**H. B. 2206** - "A Bill to amend and reenact §18-2D-1, §18-2D-2, §18-2D-3, and §18-2D-4 of the Code of West Virginia, 1931, as amended, all relating to require the implementation of community education programs throughout the state to facilitate the providing of educational, recreational, cultural, social, health, and other community services to all of the people of the community"; to the Committee on Education then Finance.

**By Delegate Mallow:**

**H. B. 2207** - "A Bill to amend and reenact §17D-2A-6a of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-6-31g of said code, all relating to requiring the commissioner of Motor Vehicles to develop and implement an electronic insurance verification program; and requiring the Insurance Commissioner to propose rules necessary to implement requirements of the electronic insurance verification program"; to



the Committee on Banking and Insurance then Government Organization.

**By Delegate Mallow:**

**H. B. 2208** - "A Bill to amend and reenact §24-2A-5 of the Code of West Virginia, 1931, as amended, relating to authorizing reduced rates for residential utility customers who are residents of a small community with fewer than 1000 residents"; to the Committee on Government Organization then the Judiciary.

**By Delegate Mallow:**

**H. B. 2209** - "A Bill to amend and reenact §33-3-33 of the Code of West Virginia, 1931, as amended, relating to the surcharge on fire and casualty insurance policies; providing that the surcharge be increased to one percent; providing that the surcharge be used solely for volunteer fire departments; and deleting obsolete language"; to the Committee on Banking and Insurance then Finance.

**By Delegate Mallow:**

**H. B. 2210** - "A Bill to amend and reenact §3-1-34 of the Code of West Virginia, 1931, as amended, relating to requiring that in elections for candidates for public office, all registered voters shall produce a valid identifying document containing a photograph in order to vote"; to the Committee on the Judiciary.

**By Delegate Mallow:**

**H. B. 2211** - "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to exempting honorably discharged veteran of any branch of the armed services of the United States from the payment of registration fees under the provisions of this chapter, except for a special initial application fee of \$10"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

**By Delegate Mallow:**

**H. B. 2212** - "A Bill to amend and reenact §16-13A-3 of the Code of West Virginia, 1931, as amended, relating to providing that if a public service board represents more than one community, there shall be one member from each such community on the

service district board"; to the Committee on Political Subdivisions then Government Organization.

**By Delegate Mallow:**

**H. B. 2213** - "A Bill to amend and reenact §5B-2I-4 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Tourism Office; and providing that the office may limit the number of visitor bureaus in the counties of the state in order to maximize effectiveness of one main visitors' bureau in smaller populated counties"; to the Committee on Government Organization.

**By Delegate Mallow:**

**H. B. 2214** - "A Bill to amend and reenact §3-1-31 of the Code of West Virginia, 1931, as amended, relating to requiring all local and state special elections to be held on the days and hours of general or primary or state elections; and providing an exception for run-off elections"; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate Mallow:**

**H. B. 2215** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-22-4, relating to requiring a public entity accepting a bid on a public construction contract or any other type of contract to notify every municipality and county in which the contractor or any of its subcontractors will be performing services under the contract of the existence of the contract; publishing terms of contract; and providing time for public comment"; to the Committee on Political Subdivisions then Government Organization.

**By Delegate Crouse:**

**H. B. 2216** - "A Bill to amend the Code of West Virginia, 1931, by adding thereto a new section, designated §18-2-44, relating to the removal of standardized testing in public and private schools; and providing for an effective date"; to the Committee on Education.

**By Delegate Crouse:**

**H. B. 2217** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-3-14, relating to ensuring that all persons who have obtained natural immunity or antibodies from an infectious or communicable disease are considered to be vaccinated; and ensuring that those persons are given equal or preferred treatment as opposed to those who have vaccine induced immunity"; to the Committee on Health and Human Resources.

**By Delegate Westfall:**

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

**By Delegate Westfall:**

**H. B. 2219** - "A Bill to amend and reenact §16A-3-2 and §16A-3-3 of the Code of West Virginia, 1931, as amended, all relating to permitting medical cannabis to be dispensed in edible form; removing the restrictions that prevent medical cannabis from being incorporated into edible form; and providing restrictions related to the shape of the edible product"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Westfall:**

**H. B. 2220** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-31-1,

§17-31-2, §17-31-3, and §17-31-4, all relating to responsible driving, providing that a person who was an uninsured motorist and who sustained bodily injury or property damage as the result of a motor vehicle accident may not recover noneconomic damages for the person's bodily injury or property damage"; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Westfall:**

**H. B. 2221** - "A Bill to amend and reenact §38-10-4 of the Code of West Virginia, 1931, as amended, relating to bankruptcy; correcting an erroneous term; excluding life insurance proceeds paid to the debtor as a beneficiary, not to exceed \$100,000; excluding any annuities, other than those annuities included in §38-10-4(i)(5), which are paid to the debtor as a beneficiary, not to exceed \$20,000 per year in value; and, excluding any annuities or life insurance policies owned by the debtor which are payable to someone other than the debtor, including any applicable cash surrender value, from attachment by creditors in a bankruptcy proceeding"; to the Committee on the Judiciary.

**By Delegate Westfall:**

**H. B. 2222** - "A Bill to amend and reenact §17C-7-1 of the Code of West Virginia, 1931, as amended, relating to requiring operators of vehicles to drive in rightmost portion or lane of roads or highways and exceptions thereto"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate Keaton:**

**H. B. 2223** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-98, relating to creating a personal refundable credit against personal income taxes"; to the Committee on Finance.

**By Delegate Keaton:**

**H. B. 2224** - "A Bill to amend and reenact §11-21-14 of the Code of West Virginia, 1931, as amended, all relating to reinstituting the standard deduction"; to the Committee on Finance.

**By Delegate Westfall:**

**H. B. 2225** - "A Bill to amend and reenact §18-5-22 of the Code of West Virginia, 1931, as amended, relating to requiring each county school board to employ at least one full time school nurse for each public school"; to the Committee on Education then Finance.

**By Delegate Westfall:**

**H. B. 2226** - "A Bill to amend and reenact §61-8-28 of the Code of West Virginia, 1931, as amended, relating to the offense of criminal invasion of privacy by visual portrayal; changing the offense from a misdemeanor to a felony and increasing the penalties for this offense"; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2227** - "A Bill to amend and reenact §7-11-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §7-12-3 and §7-12-3a of said code; and to amend and reenact §8A-2-3 of said code, all relating to limiting the maximum number of appointees to certain county and municipal bodies; and imposing quorum requirements on certain county and municipal bodies"; to the Committee on Political Subdivisions then Government Organization.

**By Delegate Foster:**

**H. B. 2228** - "A Bill to amend and reenact §21-1C-5 of the Code of West Virginia, 1931, as amended, relating to filing reports with the Division of Labor and removing the requirement for contactors to file payroll information on public improvement construction projects"; to the Committee on Workforce Development then the Judiciary.

**By Delegate Hansen:**

**H. B. 2229** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §1-2-2a, relating to increasing transparency in the apportionment process for congressional and legislative districts; defining procedures to enhance public access to and participation in the development of such districts; and establishing a period for public comment on district maps to be voted on by the Legislature prior to their

adoption"; to the Committee on Political Subdivisions then Government Organization then the Judiciary.

**By Delegate Foster:**

**H. B. 2230** - "A Bill to amend and reenact §48-9-601 of the Code of West Virginia, 1931, as amended, relating to ensuring that legal or biological parents have equal access to any and all copies of birth registry forms submitted to the hospital by the mother, or any other person, for the purpose of registering the birth of the child with the West Virginia Vital Registration Office"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2231** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §18A-4-2d, and §18A-4-4a, all relating to teacher salary enhancement; requiring that to qualify for certain additional salary provisions, the teacher's earned master's degree or graduate work toward or following obtaining a master's degree, shall be in the field in which the teacher is teaching"; to the Committee on Education.

**By Delegate McGeehan:**

**H. B. 2232** - "A Bill to amend and reenact §29-22-18d of the Code of West Virginia, 1931; to repeal §29-22A-10d, §29-22A-10e, and §29-22A-10f of said code; to repeal §29-22C-27a of said code; and to repeal §29-25-22b of said code, all relating to the transfer of certain revenues derived from lottery activities generally, restoring distribution to the West Virginia Infrastructure Fund to 2013 rates and decreasing the funds available for grants therefrom; restoring the amount that may be transferred to the Racetrack Modernization Fund to 2013 rates; eliminating certain statutory distributions to the State Excess Lottery Revenue Fund; restoring statutory distributions to capital reinvestment, purse funds and development funds to 2013 rates; and eliminating the statutory authorization for distributions to be paid on a pro rata basis"; to the Committee on Finance.

**By Delegate Toney:**

**H. B. 2233** - "A Bill to amend and reenact §17-5-1 of the Code of West Virginia, 1931, as amended, relating to making all inmates

regardless of sex eligible to work on a state convict road force"; to the Committee on Jails and Prisons then the Judiciary.

**By Delegate Linville:**

**H. B. 2234** - "A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to exempting firearm safe storage products from the consumer sales tax"; to the Committee on Finance.

**By Delegate Pushkin:**

**H. B. 2235** - "A Bill to amend and reenact §49-2-913 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §49-2-914; and to amend and reenact §49-5-106 of said code, all relating to the juvenile justice reform oversight committee and averted costs reinvestment; creating a juvenile justice account and providing its purpose, funding and disbursements; requiring new data to be collected and compiled to allow calculation of juvenile recidivism and the outcome of programs and making this information available to the public"; to the Committee on the Judiciary then Finance.

**By Delegate Pushkin:**

**H. B. 2236** - "A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to the removal of limitations on the expungement of certain criminal convictions"; to the Committee on the Judiciary.

**By Delegate Pushkin:**

**H. B. 2237** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §46A-6O-1, §46A-6O-2, §46A-6O-3, §46A-6O-4, §46A-6O-5, §46A-6O-6, §46A-6O-7, §46A-6O-8, §46A-6O-9, and §46A-6O-10, all relating to placing upon the manufacturers of manufactured homes the duty to meet their obligations and responsibilities under the terms of the express warranties extended to the consumers in this state; and providing consumers additional remedies to enforce the warranties"; to the Committee on the Judiciary.

**By Delegate Pushkin:**

**H. B. 2238** - "A Bill to amend and reenact §16A-3-2 and §16A-3-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16A-5-11, all relating to the cultivation of medical cannabis; allowing patients and their caregivers to cultivate medical cannabis for patients' personal consumption"; to the Committee on Agriculture and Natural Resources then Health and Human Resources then the Judiciary.

**By Delegate Pushkin:**

**H. B. 2239** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §1-2-2a, relating to creating the Independent Redistricting Commission of the Joint Committee on Government and Finance; establishing the Redistricting Commission's purpose and composition; providing qualifications and appointment procedure for commission members; establishing a process for filling commission vacancies; establishing that commission members are not to receive compensation; providing for approved reimbursement of commission member expenses; providing for payment of necessary equipment and materials; requiring the commission to acquire appropriate information; requiring the commission to develop programs and procedures to draw congressional and legislative redistricting plans on the basis of the federal census; to prepare congressional and legislative redistricting; requiring the commission plan and propose congressional and legislative districts; providing specific criteria that the redistricting office must observe in proposing district mappings; requiring the redistricting office to advertise a proposed draft map of districts to the public; requiring a period for public comment on the proposed redistricting plan; providing for members of the Legislature to make inquiries about the commission's methodology or proposed redistrict mapping; requiring the commission to publish a report and final proposals for district boundaries; requiring a recommended redistricting plan to the Legislature including identical bills for consideration by the House and Senate; requiring the full Legislature to vote on plan ratification; providing for subsequent submissions of plans and vote by Legislature; requiring



that commission certify to the Secretary of State that its final proposal for district boundaries is in accordance with Constitutional and legal requirements; and prohibiting certain persons from influencing or attempting to influence district mapping proposals of the redistricting office; and providing for completion of the commission's work with certain exceptions"; to the Committee on the Judiciary then Finance.

**By Delegate Pushkin:**

**H. B. 2240** - "A Bill to amend and reenact §16-18-25 and §16-18-26 of the Code of West Virginia, 1931, as amended, all relating to requiring urban renewal authorities to submit active, amended, and proposed urban renewal projects and plans to the affected local county boards of health for review and comment; requiring urban renewal authorities to meet with municipalities and communities regarding those projects and plans; and requiring urban renewal authorities to make reports and make them available to the affected local county boards of health and local residents"; to the Committee on Political Subdivisions then Government Organization.

**By Delegate Pushkin:**

**H. B. 2241** - "A Bill to amend and reenact §18-20-5 of the Code of West Virginia, 1931, as amended, relating to removing language requiring specific appropriations in order for the State Board of Education, State Department of Education, and the State Superintendent of Schools to provide education to children and adults housed in correctional facilities and regional jails"; to the Committee on Education then Finance.

**By Delegate Martin:**

**H. B. 2242** - "A Bill to amend and reenact §18-2-7c of the Code of West Virginia, 1931, as amended, relating to requiring each high school student to complete a one-half credit course of study in personal finance as a requirement for high school graduation"; to the Committee on Education.

**By Delegate Martin:**

**H. B. 2243** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-17,

relating to creating a process by which voters may recall a county ordinance in a special election"; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate Martin:**

**H. B. 2244** - "A Bill to amend and reenact §8-12-4 of the Code of West Virginia, 1931, as amended, relating to providing a process by which a city may hold an election to recall an ordinance"; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate Riley:**

**H. B. 2245** - "A Bill to amend and reenact §11-21-20 of the Code of West Virginia, 1931, as amended, relating to the personal income tax; alleviating double taxation on foreign income at the state level; and sunseting the credit for income tax paid on foreign income in 2070"; to the Committee on Finance.

**By Delegate Hansen:**

**H. B. 2246** - "A Bill to amend and reenact §17C-14-15 of the Code of West Virginia, 1931, as amended, relating to the Robin W. Ames Memorial Act which revises current law for unlawfully using electronic communication devices while driving; creating new penalties, including community service, misdemeanor jail time and creating a felony for serious injury or death; revising what constitutes a violation of unlawful use of an electronic communication device; and authorizing seizure of electronic communication devices in certain circumstances"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate Rohrbach:**

**H. B. 2247** - "A Bill to amend and reenact §5F-1-2 of the Code of West Virginia, 1931, as amended, and to amend and reenact §5F-2-1 of said code; all relating to reorganizing the Department of Health and Human Resources; separating the Department of Health and Human Resources into two departments; creating the Department of Health; creating the Department of Human Resources; establishing the organizational structure of the Department of Health; and establishing the organizational structure of the Department of Human Services"; to the Committee on Health and Human Resources then Finance.

**By Delegate Steele:**

**H. B. 2248** - "A Bill to amend and reenact §50-1-8, §50-1-9, §50-1-9a, and §50-1-9b of the Code of West Virginia, 1931, as amended, all relating to magistrate employee appointments; permitting the circuit court to appoint additional magistrate clerks as necessary based on workload; permitting the magistrate to appoint additional magistrate assistants; permitting the magistrate to request additional magistrate deputy clerks when workload requires it; eliminating any restrictions on the number of magistrate deputy clerks that may be employed in the state; increasing compensation of magistrate employees; and other technical corrections"; to the Committee on the Judiciary.

**By Delegate Steele:**

**H. B. 2249** - "A Bill to amend and reenact §5-16-13 of the Code of West Virginia, 1931, as amended, relating to specifying when a public employee's spouse may be covered by Public Employee Insurance Act; providing for the premium cost and premium coverage associated with such coverage; and establishing an effective date"; to the Committee on Banking and Insurance then Finance.

**By Delegate Steele:**

**H. B. 2250** - "A Bill to amend and reenact §5H-1-2 and §5H-1-3 of the Code of West Virginia, 1931, as amended, all relating to adding Division of Corrections and Rehabilitation employees working at institutions managed by the commissioner to the Survivor Benefits Act; defining the qualifying acts for eligibility for payment of survivor benefits for Division of Corrections and Rehabilitation personnel to include but not be limited to, training functions, administrative meetings, corrections or parole incidents or activities, interactions with inmates, former inmates, inmates or former inmates' family or associates, parolees, former parolees, former parolees' family or associates, and travel to or from any of these activities; and creating a retroactive effective date of March 14, 2020"; to the Committee on Jails and Prisons then Finance.

**By Delegate Steele:**

**H. B. 2251** - "A Bill to repeal §61-8B-18 of the Code of West Virginia, 1931, as amended; to amend and reenact §61-8B-3, §61-

8B-4, §61-8B-5, §61-8B-7, §61-8B-8, §61-8B-9, §61-8B-9b, §61-8B-10, §61-8B-12; and to amend said code by adding thereto a new section, designated §61-8B-4a, all relating to sexual offenses; establishing criminal penalties for sexual offenses; and creating criminal penalties for certain sexual offenses"; to the Committee on the Judiciary.

**By Delegate Steele:**

**H. B. 2252** - "A Bill to amend and reenact §61-14-2, §61-14-3, §61-14-4, §61-14-5, §61-14-6, §61-14-7, and §61-14-8 of the Code of West Virginia, all relating to increasing criminal penalties for human trafficking; establishing limitations on parole; and providing immunity from criminal liability for juvenile victims"; to the Committee on the Judiciary.

**By Delegate Steele:**

**H. B. 2253** - "A Bill to amend and reenact §60A-9-4 of the Code of West Virginia, 1931, as amended, relating to controlled substance monitoring; removing the reporting of an opioid antagonist and removing a dispensing prohibition"; to the Committee on Health and Human Resources.

**By Delegate Steele:**

**H. B. 2254** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2N-1, §5B-2N-2, §5B-2N-3 and §5B-2N-4; to amend said code by adding thereto a new section, designated §22-5-11b; and to amend and reenact §22B-1-7 of said code, all relating generally to the Natural Gas Fired Electricity Generation Development Act of 2023; providing for a short title; making legislative findings and declarations; requiring designation of suitable sites for natural gas electric generation and reporting to the Division of Air Quality of the West Virginia Department of Environmental Protection and the West Virginia Public Service Commission; requiring construction and operating permits for natural gas electric generation facilities, including expedited consideration; and requiring prompt consideration of appeals by the Air Quality Board concerning natural gas electric generation facility permits"; to the Committee on Energy and Manufacturing then Government Organization.

**By Delegate Steele:**

**H. B. 2255** - "A Bill to amend and reenact §16A-7-4 of the Code of West Virginia, 1931, as amended, relating to providing for no more than two licensed laboratories for medical cannabis testing in this state"; to the Committee on the Judiciary.

**By Delegate Steele:**

**H. B. 2256** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-1-15, relating to the restoration of the Holly Grove Mansion; providing for legislative findings and the background of the Holly Grove Mansion; explaining the restoration; providing for funding in a separate appropriations bill; providing for the establishment of a commission to oversee the restoration and designating representatives; providing for the disbanding of the commission upon completion of the project; and shifting control of the Holly Grove Mansion from General Services to the Division of Arts, Culture, and History upon completion of the restoration"; to the Committee on Government Organization then Finance.

**By Delegate Hansen:**

**H. B. 2257** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-11-22b, relating to allowing increased civil administrative penalties to be promulgated by legislative rules by the Department of Environmental Protection, for individual or general construction stormwater, West Virginia Department of Environmental Protection National Pollutant Discharge Elimination System permits, and General Water Pollution Control Permits for larger acreage permits; providing for doubling penalties for projects of certain sizes; providing for projects at least 500 acres have larger penalties assessed for violations; providing for rulemaking; providing for additional penalties based on the number of violations; and providing for resolution of code conflict in favor of legislative rules promulgated according to this section"; to the Committee on the Judiciary then Finance.

**By Delegate Hansen:**

**H. B. 2258** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-1r;

and to amend and reenact §24-2-4f of said code, all relating to power generating plant sites; revising consumer rate relief bonds; and enabling the use of securitization to refinance the unamortized investment in prematurely retired coal-fired generating plants"; to the Committee on Energy and Manufacturing then the Judiciary.

**By Delegate C. Pritt:**

**H. B. 2259** - "A Bill to amend and reenact §48-5-701 and §48-5-704 of the Code of West Virginia, 1931, as amended, all relating to modifications to child support or alimony shall be made retroactive to the date of a change of income or circumstances"; to the Committee on the Judiciary.

**By Delegate Hansen:**

**H. B. 2260** - "A Bill to repeal §17A-10-3c of the Code of West Virginia, 1931, as amended, relating to additional registration fees for alternative fuel vehicles"; to the Committee on Finance.

**By Delegate Pushkin:**

**H. B. 2261** - "A Bill to amend and reenact §18-3-12 of the Code of West Virginia, 1931, as amended, relating to modifying the special community development school pilot program"; to the Committee on Education.

**By Delegate Pushkin:**

**H. B. 2262** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-30, relating to permitting certain felons to work in licensed behavioral health facilities; setting conditions and limitations; and requiring rule-making"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Pushkin:**

**H. B. 2263** - "A Bill to amend and reenact §60-4-3a of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-7-11 of said code, all relating to allowing a bar to purchase liquor from a distillery or a mini-distillery if it is within 10 miles of the distillery or mini-distillery and the liquor was made at the distillery or mini-distillery"; to the Committee on the Judiciary.

**By Delegate Pushkin:**

**H. B. 2264** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §16-1-22 and §16-1-22a, all relating to social determinants of health; establishing the Minority Health Advisory Team, including its composition and duties; authorizing a Community Health Equity Initiative Demonstration Project; authorizing the Commissioner of the Bureau for Public Health to establish a Community Health Equity Initiative Demonstration Project; establishing eligibility requirements; providing for the administration of the demonstration project; establishing requirements for a demonstration project plan and the selection of communities for participation; establishing reporting requirements; and establishing the date on which the demonstration project terminates"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Pushkin:**

**H. B. 2265** - "A Bill to amend and reenact §25-5-5 of the Code of West Virginia, 1931, as amended, relating to prohibiting the private ownership or operation of a prison in West Virginia"; to the Committee on the Judiciary.

**By Delegate Pushkin:**

**H. B. 2266** - "A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9, and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6, and §5-11A-7 of said code, all relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act; prohibiting discrimination based upon age and sexual orientation, or gender identity; and defining 'sexual orientation' and 'gender identity'; to the Committee on Workforce Development then the Judiciary.

**By Delegate Pushkin:**

**H. B. 2267** - "A Bill to amend and reenact §16A-3-2 and §16A-3-3 of the Code of West Virginia, 1931, as amended, all relating to authorizing possession and smoking of medical cannabis by approved persons"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Pushkin:**

**H. B. 2268** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-24-11c, relating to providing a tax credit for obtaining certain certifications by the United States Green Building Council Leadership in Energy and Environmental Design green building rating system or the Green Globes Building Initiative green building rating standard; setting forth the amount of the credit; establishing who may take the credit; establishing the amount of the credit; establishing the criteria for taking the credit; providing rule-making authority; and defining terms"; to the Committee on Energy and Manufacturing then Finance.

**By Delegate Linville:**

**H. B. 2269** - "A Bill to amend and reenact §48-7-103 of the Code of West Virginia, 1931, as amended, relating to domestic violence convictions and the division of marital property without a valid agreement"; to the Committee on the Judiciary.

**By Delegate Fluharty:**

**H. B. 2270** - "A Bill to amend and reenact §17-16A-6 of the Code of West Virginia, 1931, as amended, relating to exempting school buses with students on board from paying West Virginia Turnpike tolls"; to the Committee on Education then Finance.

**By Delegate Fluharty:**

**H. B. 2271** - "A Bill to amend and reenact §17-16A-6 of the Code of West Virginia, 1931, as amended, relating to exempting law enforcement and emergency vehicles from paying turnpike tolls"; to the Committee on Technology and Infrastructure then Finance.

**By Delegate Fluharty:**

**H. B. 2272** - "A Bill to amend the Code of West Virginia, 1931, by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, and §11-13MM-3; and to amend and reenact §55-7D-1 and §55-7D-3 of said code, all relating to Good Samaritan Food Donation Act; establishing a tax credit against corporation net income tax for retail food distributors that donate certain surplus food products to nonprofit organizations; providing for credit to



apply to either personal income or corporate net income tax liabilities; placing limitations and qualifications for the tax; directing the Tax Commissioner to promulgate rules and forms; and directing the Department of Health and Human Resources to distribute certain information regarding tax credit availability"; to the Committee on Finance.

**By Delegate Fluharty:**

**H. B. 2273** - "A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to expanding the amount of PROMISE scholarship funds awarded to persons majoring in science, technology, engineering and mathematics fields"; to the Committee on Education then Finance.

**By Delegate Gearheart:**

**H. B. 2274** - "A Bill to amend and reenact §17-22-4 of the Code of West Virginia, 1931, as amended, relating to the removal of specific statutory restrictions on outdoor advertisement"; to the Committee on the Judiciary.

**By Delegate Howell:**

**H. B. 2275** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-34-1, §22-34-2, §22-34-3, and §22-34-4, all relating to creating the Intrastate Coal and Use Act; establishing that the environmental regulation of coal and certain coal products mined and used within the state are exclusively regulated by the West Virginia Department of Environmental Protection; stating the legislative authority; and defining terms"; to the Committee on Energy and Manufacturing then the Judiciary.

**By Delegate Howell:**

**H. B. 2276** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17B-2-16, relating to issuing identification documents to homeless individuals residing at homeless shelters within this state at no cost; stating legislative intent; defining terms; creating a process by which a homeless individual may apply for certain identifying documents to be provided at no cost; requiring the division to issue certain identifying documents to eligible homeless individuals at

no cost; and requiring the commissioner to develop forms"; to the Committee on the Judiciary then Finance.

**By Delegate Howell:**

**H. B. 2277** - "A Bill to amend and reenact §5-16-23 of the Code of West Virginia, 1931, as amended, relating to permitting former members of the Legislature to remain eligible for insurance plans offered to state officers or employees; providing for certain conditions to remain eligible; and providing that the former member's continued participation in the insurance plans offered to state officers and employees does not require the state to bear, absorb or otherwise raise costs associated with a former member's continued participation"; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Howell:**

**H. B. 2278** - "A Bill to amend and reenact §16-5-5 and §16-5-29 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-5-39, all relating to authorizing the Division of Motor Vehicles to issue certain vital records in the custody of the State Registrar; to require the Division of Motor Vehicles to adhere to the State Registrar's rules; authorize the Division of Motor Vehicles to collect a fee for issuing vital records and transmit those fees to the State Registrar monthly; and require the Commissioner of the Division of Health and Human Resources and Commissioner of the Division of Motor Vehicles to enter into a Memorandum of Understanding to implement a program that allows the Division of Motor Vehicles access to certain vital records to issue to customers"; to the Committee on Technology and Infrastructure then Finance.

**By Delegate Statler:**

**H. B. 2279** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-10-1d, all relating to granting in-state resident status to economic development participants for the purpose of determining the rate of tuition to be charged for attendance at state institutions of higher education; establishing criteria that must be met to meet the definition of economic development participant; and setting forth

time frame for recognition of resident status"; to the Committee on Education then Finance.

**By Delegate Statler:**

**H. B. 2280** - "A Bill to amend and reenact §61-8-14 of the Code of West Virginia, 1931, as amended, relating to the criminal offense of desecration of graves and vandalizing cemeteries and mandating that persons convicted thereof shall be required to perform 250 hours of community service to and for the cemetery involved"; to the Committee on the Judiciary.

**By Delegate Statler:**

**H. B. 2281** - "A Bill to amend and reenact §17-22-13 and §17-22-15 of Code of West Virginia, 1931, as amended, all relating to exempting nonprofit organizations from the fee requirements for obtaining a license or permit for outdoor advertising"; to the Committee on Finance.

**By Delegate Statler:**

**H. B. 2282** - "A Bill to amend and reenact §29-3E-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-3-14d and §33-3-33 of said code, all relating generally to the distribution of certain taxes and surcharges to benefit volunteer and part-volunteer fire departments; defining terms; providing the method of allocation and distribution for proceeds of the fireworks safety fee deposited in the Fire Protection Fund; eliminating obsolete language; requiring the State Fire Marshal to provide certain information to the State Treasurer; and clarifying the requirements for distribution of funds in the Fire Protection Fund"; to the Committee on Fire Departments and Emergency Medical Services then Finance.

**By Delegate Statler:**

**H. B. 2283** - "A Bill to amend and reenact §8-15-8b of the Code of West Virginia, 1931, as amended, relating to authorized expenditures of revenues from certain state funds for fire departments; clarifying and expanding categories of allowable expenditures; permitting state grant funds to be deposited into a state account and be transferred from the account for unrestricted use; and setting forth a 60-day time frame for fire departments

receiving grant funds to transfer unrestricted funds from a restricted account"; to the Committee on Pensions and Retirement then Finance.

**By Delegate Statler:**

**H. B. 2284** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-7L-1, §55-7L-2, and §55-7L-3, all relating to standards of proof in civil actions where business structure sought to be disregarded; making findings; establishing clear and convincing evidence as standard for personal liability of business debts; adopting standards for determining personal liability for business debts; defining terms; and establishing safe harbor requirements"; to the Committee on the Judiciary.

**By Delegate Statler:**

**H. B. 2285** - "A Bill to amend and reenact §20-1-7 of the Code of West Virginia, 1931, as amended, relating to requiring that open hunting season for big game begin on a Saturday"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Walker:**

**H. B. 2286** - "A Bill to amend and reenact §61-11-25 of the Code of West Virginia, 1931, as amended, relating to expungement of criminal records; making expungement of records for certain defendants found not guilty or have had charges dismissed to occur without petitioning the court; and allowing the prosecutor to petition the court to object because of lack of eligibility for expungement"; to the Committee on the Judiciary.

**By Delegate Walker:**

**H. B. 2287** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-6-18, relating to requiring sharps containers in all state buildings and facilities where the public is allowed"; to the Committee on Health and Human Resources then Finance.

**By Delegate Walker:**

**H. B. 2288** - "A Bill to amend and reenact §20-5-3 of the Code of West Virginia, 1931 as amended, relating to allowing disabled persons to operate small electric vehicles on the Greenbrier Trail"; to the Committee on Agriculture and Natural Resources then Government Organization.

**By Delegate Walker:**

**H. B. 2289** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to authorizing civil damages for any person who is subject to an intentionally false report made to law enforcement that results in harm to the person subject to the report"; to the Committee on the Judiciary.

**By Delegate Walker:**

**H. B. 2290** - "A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9, and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6, and §5-11A-7 of said code, all relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act; prohibiting discrimination based upon age and sexual orientation, or gender identity; and defining 'sexual orientation' and 'gender identity'; to the Committee on Workforce Development then the Judiciary.

**By Delegate Walker:**

**H. B. 2291** - "A Bill to amend and reenact §19-16-3 and §19-16-3a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §19-16-3c; and to amend and reenact §60A-2-204 of said code, all relating to state certification of industrial hemp and medical cannabis seed; authorizing the Commissioner of Agriculture to issue special business and residential incubator permits; encouraging state research and development; providing rule-making authority; prohibiting civil asset forfeiture for permittees; and removing cannabis from Schedule 1 consistent with state law"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate McGeehan:**

**H. B. 2292** - "A Bill to amend and reenact §11-21-12d of the Code of West Virginia, 1931, as amended, relating to continuing personal income tax adjustment to gross income of certain retirees receiving pensions from defined pension plans that terminated and are being paid a reduced maximum benefit guarantee"; to the Committee on Pensions and Retirement then Finance.

**By Delegate McGeehan:**

**H. B. 2293** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2S-1, §16-2S-2, and §16-2S-3, all relating to the creation of the Life at Conception Act of 2023; providing for the right to life to be guaranteed to all human beings, and providing for definitions"; to the Committee on the Judiciary.

**By Delegate Martin:**

**H. B. 2294** - "A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating to permitting persons who have been issued state licenses to carry concealed deadly weapons on the grounds of the State Capitol Complex, except for the third and fourth floors of the east wing of Building One"; to the Committee on the Judiciary.

**By Delegate Smith:**

**H. B. 2295** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-6M-1, §11-6M-2, §11-6M-3, §11-6M-4, §11-6M-5, §11-6M-6, §11-6M-7, §11-6M-8, and §11-6M-9, all relating to establishing an exemption from school excess levy tax for taxpayers with a household income at or below U.S. Department of Health and Human Services Poverty Guidelines"; to the Committee on Finance.

**By Delegate Cooper:**

**H. B. 2296** - "A Bill to amend and reenact §20-2-35 of the Code of West Virginia, 1931, as amended, relating to the beginning and expiration of hunting and fishing licenses"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Hanna:**

**H. B. 2297** - "A Bill to amend and reenact §18B-5-4 of the Code of West Virginia, 1931, as amended, relating to requiring all higher education institutions use statewide contracts issued by the Purchasing Division for frequently purchased goods and services, when cost effective"; to the Committee on Education then Finance.

**By Delegate McGeehan:**

**H. B. 2298** - "A Bill to amend and reenact §29-22A-10 and §29-22A-10b of the Code of West Virginia, 1931, as amended, all relating to granting counties and municipalities a portion of the net terminal income from racetrack video lottery"; to the Committee on Government Organization then Finance.

**By Delegate Anderson:**

**H. B. 2299** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-17; and to amend said code by adding thereto a new section, designated §8-12-26, all relating to requiring that county commissions and municipalities who intend to approve a new or existing location for a limited video lottery retailer must first announce their intention to do so; and providing that those entities hold a public hearing before approval"; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate Walker:**

**H. B. 2300** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12n; to amend said code by adding thereto a new section, designated §11-24-23h; and to amend said code by adding thereto a new section, designated §16-35-4b, all relating to establishing tax credits for lead abatement in child occupied residences; establishing personal and corporate tax credit to owners or occupiers of these residences; providing for varying tax credits based on time periods when the credit is claimed; and providing for rule-making authority"; to the Committee on Finance.

**By Delegate Walker:**

**H. B. 2301** - "A Bill to amend and reenact §61-6-21 of the Code of West Virginia, 1931, as amended, to provide civil rights

protections to certain individuals"; to the Committee on the Judiciary.

**By Delegate Walker:**

**H. B. 2302** - "A Bill to amend and reenact §18B-1-6 of the Code of West Virginia, 1931, as amended, relating to rulemaking for healthcare plans; providing that the commission and council promulgate rules for healthcare plans offered to graduate students attending a college or university in this state; providing that the healthcare plans offered to graduate students permit adding dependents to the policy; providing that healthcare plans offered to graduate students not exclude any graduate student with a preexisting condition; and establishing an effective date"; to the Committee on Banking and Insurance then Education then Finance.

**By Delegate Walker:**

**H. B. 2303** - "A Bill to amend the Code of West Virginia 1931, as amended, by adding thereto a new section, designated §11-21-12n, relating to tax exemption for funds from qualified retirement plans used for long-term care"; to the Committee on Health and Human Resources then Finance.

**By Delegate Walker:**

**H. B. 2304** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-66-1, §16-66-2, §16-66-3, §16-66-4, §16-66-5, §16-66-6, §16-66-7, and §16-66-8, all relating generally to prohibiting the use of polystyrene containers; definitions; and authorizing the West Virginia Department of Health and Human Resources to impose civil fines for violations"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Howell:**

**H. B. 2305** - "A Bill to amend and reenact §17A-3-5 of the Code of West Virginia, 1931, as amended, relating to allow foreign market vehicles over 25 years old to be exempted from title requirements and to be registered under this article for an additional \$25 fee"; to the Committee on Technology and Infrastructure then Government Organization.



**By Delegate Howell:**

**H. B. 2306** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-2-141, relating to exempting certain assets from collections by creditors"; to the Committee on the Judiciary.

**By Delegate Howell:**

**H. B. 2307** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §37-16-1, §37-16-2, and §37-16-3, all relating to the creation of the West Virginia Title Protection Act; providing for legislative findings; ensuring that rightful property owners retain title to their property free of all encumbrances when fraudulent or wrongful claims are listed against their property, or loans are taken out using fraudulent means; and providing for a mechanism for county clerks to provide notice to rightful landowners when property is transferred or when titles are filed or modified against property"; to the Committee on the Judiciary.

**By Delegate Howell:**

**H. B. 2308** - "A Bill to amend and reenact §8-12-14 of the Code of West Virginia, 1931, as amended, relating to prohibiting counties from charging for a building permit if the value of the improvement is less than that which is required for a contractor's license"; to the Committee on Political Subdivisions then Government Organization.

**By Delegate Howell:**

**H. B. 2309** - "A Bill to amend and reenact §11-1C-11 of the Code of West Virginia, 1931, as amended, relating to the creation of an online renewal process for the Managed Timberland Program of the West Virginia Division of Forestry; creating a deadline for the Division of Forestry to maintain an online renewal application form; providing guidelines for initial information on the form; ensuring the submission of the form is of no cost to the individual; and preserving any costs for the initial application that is used by the West Virginia Division of Forestry"; to the Committee on Agriculture and Natural Resources then Government Organization.

**By Delegate Howell:**

**H. B. 2310** - "A Bill to amend and reenact §17A-10-3a of the Code of West Virginia, 1931, as relating to authorizing the division of motor vehicles to issue an 'Antique Fleet' single registration plate for use on fleets of 5 or more antique vehicles; and relating to setting a fee for an 'Antique Fleet' plate"; to the Committee on Technology and Infrastructure then Government Organization.

**By Delegate Keaton:**

**H. B. 2311** - "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to allowing a surviving spouse one additional tax exemption of \$20,000 beginning after December 31, 2023, for two taxable years after the death of the spouse; and defining surviving spouse"; to the Committee on Pensions and Retirement then Finance.

**By Delegate Keaton:**

**H. B. 2312** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2S-1, §16-2S-2, §16-2S-3, §16-2S-4, §16-2S-5, §16-2S-6, §16-2S-7, §16-2S-8, §16-2S-9, §16-2S-10, §16-2S-11, §16-2S-12, and §16-2S-13, all relating to enacting the Heartbeat Protection Act; prohibiting abortions when a fetal heartbeat is detected; providing that the article applies only to intrauterine pregnancies; providing exceptions; making findings; providing for severability; establishing standards, requirements, and procedures; requiring documentation; requiring notice and acknowledgments; establishing criminal penalties; permitting civil actions; defining terms; and providing for rulemaking"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Keaton:**

**H. B. 2313** - "A Bill to amend and reenact §11-21-16 of the Code of West Virginia, 1931, as amended, relating to modifying the amount of personal exemption for personal income tax in West Virginia"; to the Committee on Finance.

**By Delegate Keaton:**

**H. B. 2314** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-6M-

1, §11-6M-2, §11-6M-3, §11-6M-4, and §11-6M-5, all relating to establishing the Rare Earth Property Tax Industrial Development Act; providing for definitions; creating valuation of certain rare earth business personal property; creating an initial determination with a process for protest and appeal; and creating an effective date"; to the Committee on Energy and Manufacturing then Finance.

**By Delegate Fluharty:**

**H. B. 2315** - "A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended, relating to prohibiting the home schooling of children in certain circumstances; and prohibiting home schooling when a custodial parent or the person instructing the child is suspected or convicted of child abuse or neglect; and when either custodial parent or a person instructing the child has been convicted of domestic violence. This act shall be known as 'Raylee's Law"; to the Committee on Education then the Judiciary.

**By Delegate Fluharty:**

**H. B. 2316** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-26; to amend said code by adding thereto a new section, designated §18-2-44; and to amend said code by adding thereto a new section, designated §18B-2A-9, all relating to establishing the Stay in State tax credit against personal income for higher education tuition of certain state residents; creating credit for student loan payments of all in-state community college, college, or university undergraduates and their in-state employers against personal income tax; establishing conditions and qualifications for the tax credit; providing methodology for calculating credit; providing for graduate and employer eligibility of payments against student loans for employees; defining terms; and providing for the board of education, State Board of Education, and governing boards of colleges' promotion of the program"; to the Committee on Education then Finance.

**By Delegate Fluharty:**

**H. B. 2317** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-11-

4c, relating to insurance unfair trade practices; prohibiting use of a person's credit history in certain insurance transactions"; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Pushkin:**

**H. B. 2318** - "A Bill to amend and reenact §16A-2-1 of the Code of West Virginia, 1931, as amended; and to further amend §16A-11-1 of said code, all relating to certification of a patient's eligibility for medical cannabis; amending a definition; and revising eligibility qualifications for patients to receive medical cannabis"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Fluharty:**

**H. B. 2319** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-2A-5a, relating to drug testing of legislators"; to the Committee on the Judiciary then Finance.

**By Delegate Toney:**

**H. B. 2320** - "A Bill to amend and reenact §18A-2-13 of the Code of West Virginia, 1931, as amended, relating to changing the recommended guidelines for full-day and half-day cooks to the minimum ratio of one cook for every 110 meals prepared and served"; to the Committee on Education then Finance.

**By Delegate C. Pritt:**

**H. B. 2321** - "A Bill to amend and reenact §16-2I-2 of the Code of West Virginia, 1931, as amended, relating to mandating an ultrasound imaging procedure prior to an abortion"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate C. Pritt:**

**H. B. 2322** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-31, relating to creating a misdemeanor offense for the impersonation of a nonpublic figure on social media"; to the Committee on the Judiciary.

**By Delegate C. Pritt:**

**H. B. 2323** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-15A-1, §15-15A-2, §15-15A-3, §15-15A-4, and §15-15A-5, all relating to enacting the Refugee Information Act; including short title and definitions; requiring the state office within the Department of Health and Human Resources which deals with refugees to prepare and distribute fiscal impact assessment reports; and including administrative and severability provisions"; to the Committee on the Judiciary then Finance.

**By Delegate C. Pritt:**

**H. B. 2324** - "A Bill to amend and reenact §48-18-205 of the Code of West Virginia, as amended, relating to expressly allowing for child support arrears agreements that a family court must accept"; to the Committee on the Judiciary.

**By Delegate C. Pritt:**

**H. B. 2325** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-4-112a relating to adoption attorneys; allowing the direct payment of state adoption attorneys, prohibiting state payment of adoptive parent's attorney fees, and providing for an attorney referral list rather than direct attorney referral for adoptive parents"; to the Committee on the Judiciary then Finance.

**By Delegate C. Pritt:**

**H. B. 2326** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2Q-1, relating to public health; and prohibiting state funding of abortions"; to the Committee on Health and Human Resources then Finance.

**By Delegate C. Pritt:**

**H. B. 2327** - "A Bill to amend and reenact §18-5-1 and §18-5-1b of the Code of West Virginia, 1931, as amended, all relating to modifying county school board elections to provide that the candidate's party affiliation be displayed beside of the candidate's name on the ballot"; to the Committee on the Judiciary.

**By Delegate C. Pritt:**

**H. B. 2328** - "A Bill to amend and reenact §3-1-14 of the Code of West Virginia, 1931, as amended, relating to prohibit presidential electors from voting for the presidential and vice presidential party that did not win the majority of votes; and creating a felony offense and penalty for violation of this provision"; to the Committee on the Judiciary.

**By Delegate C. Pritt:**

**H. B. 2329** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-17-1, §62-17-2, §62-17-3, §62-17-4, §62-17-5, §62-17-6, §62-17-7, §62-17-8, §62-17-9, §62-17-10, §62-17-11, §62-17-12, §62-17-13, §62-17-14, §62-17-15, §62-17-16, §62-17-17, §62-17-18, §62-17-19, §62-17-20, §62-17-21, §62-17-22, §62-17-23, §62-17-24, §62-17-25, §62-17-26, §62-17-27, §62-17-28, §62-17-29, §62-17-30, and §62-17-31, all relating to criminal forfeiture process act; titling the act; defining terms; establishing the process for seizure; defining jurisdiction; establishing restraints and exceptions for seizure; establishing process for property owned by innocent parties; establishing process for property covered by a lien; establishing process for payment of fees and costs"; to the Committee on the Judiciary.

**By Delegate C. Pritt:**

**H. B. 2330** - "A Bill to repeal §3-4A-1, §3-4A-2, §3-4A-3, §3-4A-4, §3-4A-5, §3-4A-6, §3-4A-7, §3-4A-8, §3-4A-9, §3-4A-10, §3-4A-11, §3-4A-12, §3-4A-13, §3-4A-14, §3-4A-15, §3-4A-16, §3-4A-17, §3-4A-18, §3-4A-19, §3-4A-20, §3-4A-21, §3-4A-22, §3-4A-23, §3-4A-24, §3-4A-25, §3-4A-26, §3-4A-27, §3-4A-28, §3-4A-29, §3-4A-30, §3-4A-31, §3-4A-32, §3-4A-33, and §3-4A-34 of the Code of West Virginia, 1931, as amended, relating to electronic voting systems"; to the Committee on the Judiciary.

**By Delegate C. Pritt:**

**H. B. 2331** - "A Bill to repeal §51-2A-2 of the Code of West Virginia, 1931, as amended, relating to family court jurisdiction, exceptions, and limitations"; to the Committee on the Judiciary.

**By Delegate C. Pritt:**

**H. B. 2332** - "A Bill to amend and reenact §59-1-10 of the Code of West Virginia, 1931, as amended, to prohibit the clerks of the county commissions from changing fees to the public to photograph public records; providing injunctive relief for violations of the prohibition; and providing an award of attorney's fees to a prevailing plaintiff"; to the Committee on the Judiciary.

**By Delegate C. Pritt:**

**H. B. 2333** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-29-1, §11-29-2, §11-29-3, and §11-29-4, all relating to creating the 'Legal Tender Act,' establishing gold and silver as legal tender in West Virginia; creating a nonrefundable tax credit for the use of gold and silver in West Virginia; and creating a sales tax credit for the use of gold and silver as legal tender"; to the Committee on Banking and Insurance then Finance.

**By Delegate C. Pritt:**

**H. B. 2334** - "A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended, relating to homeschooling requirements"; to the Committee on Education.

**By Delegate Martin:**

**H. B. 2335** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-1-10, relating to prohibiting the establishment of a constitution or legal system superior or parallel to the West Virginia Constitution and the West Virginia Code; and providing a criminal penalty"; to the Committee on the Judiciary.

**By Delegate Martin:**

**H. B. 2336** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1, §7-28-2, §7-28-3, §7-28-4, §7-28-5, §7-28-6, and §7-28-7, all relating to requiring local entities to enforce immigration laws; providing for definitions; providing for applicability; requiring that a local entity not prohibit the enforcement of immigration laws or the cooperation with other governmental agencies to enforce immigration laws; prohibiting discrimination; providing for a

complaint procedures; providing for notice of noncompliance to the local entity; providing for actions to ensure compliance; providing for the denial of state funds to local entities in a final judicial determination; providing for exceptions under certain circumstances; and providing for severability"; to the Committee on the Judiciary.

**By Delegate Statler:**

**H. B. 2337** - "A Bill to amend and reenact §6B-2B-2 of the Code of West Virginia of 1931, as amended, relating to use of public funds to display a public official's name or likeness and prohibiting such display on public road signs"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate Griffith:**

**H. B. 2338** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8-19d, relating to the restraint of dogs"; to the Committee on the Judiciary.

**By Delegate Griffith:**

**H. B. 2339** - "A Bill to amend and reenact §46A-6F-112 of the Code of West Virginia, 1931, as amended, relating to telemarketing; and requiring that telemarketers telephone calls include the area code and correct point of origin"; to the Committee on the Judiciary.

**By Delegate Griffith:**

**H. B. 2340** - "A Bill to amend and reenact §18-7A-38 of the Code of West Virginia, 1931, as amended, relating to providing that the Consolidated Public Retirement Board may not set forth in a rule a maximum number of days in which a retired teacher may accept employment prior to having his or her retirement benefit reduced that is less than 180 days"; to the Committee on Pensions and Retirement then Finance.

**By Delegate Griffith:**

**H. B. 2341** - "A Bill to amend and reenact §9-2-6 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of the Department of Health and Human Resources to



implement a state-wide nutrition incentive program that encourages citizens who receive Supplemental Nutrition Assistance Program (SNAP) benefits to consume fresh, healthy, and locally grown food from eligible food items purchased at local farmer's markets and participating grocers; and providing for an equal SNAP credit for the use of additional farmer market purchases up to \$40 a month"; to the Committee on Finance.

**By Delegate Griffith:**

**H. B. 2342** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-5A-1, relating to requiring the purpose of a prescription to be clearly stated on the label"; to the Committee on Health and Human Resources.

**By Delegate C. Pritt:**

**H. B. 2343** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-11-26c, relating to providing for the automatic expungement of certain criminal convictions and records that are eligible for expungement"; to the Committee on the Judiciary.

**By Delegate C. Pritt:**

**H. B. 2344** - "A Bill to amend and reenact §11-1A-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-3-1 of said code, all relating to providing definitions for 'market value' and 'true and actual value'; and that property taxes may not be appraised and assessed higher than the value in 2019"; to the Committee on Finance.

**By Delegate C. Pritt:**

**H. B. 2345** - "A Bill to amend and reenact §3-2-13 of the Code of West Virginia, 1931, as amended, relating to prohibit an agency of state or local government, including an employer, or contractor, from automatically registering to vote any eligible person without first obtaining an explicit, written consent to be registered to vote, and an appropriate state or federal registration form"; to the Committee on the Judiciary.

**By Delegate Toney:**

**H. B. 2346** - "A Bill to amend and reenact §18A-4-15 of the Code of West Virginia, 1931, as amended, relating to declaring a shortage of qualified bus operators and allowing retired bus operators to accept employment as substitute bus operators without effect on their retirement benefit"; to the Committee on Education then Finance.

**By Delegate C. Pritt:**

**H. B. 2347** - "A Bill to amend of the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, and §18-2L-4; and to amend and reenact §18-5G-3 of said code, all relating to prohibiting anti-stereotyping in state public schools and public charter schools; establishing the Anti-Stereotyping Act; providing that training, instructional or curricula materials be displayed on the public school, county board, or public charter school website provided that reproduction does not infringe copyrights; providing that county boards, public schools, public charter schools, and employees thereof, shall not, in the course or scope of employment, promote, embrace, or endorse stereotypes; ensuring that the county board, public school or charter school does not require or compel a student, teacher, administrator, or other employee to affirm, adopt, or adhere to any certain beliefs or concepts and preserving free speech protections"; to the Committee on Education then the Judiciary.

**By Delegate Pushkin:**

**H. B. 2348** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-29, relating to the West Virginia Medicaid program; requiring West Virginia Medicaid managed care organizations to contract with any otherwise qualified provider"; to the Committee on Health and Human Resources then Finance.

**By Delegate Hornbuckle:**

**H. B. 2349** - "A Bill to amend and reenact §11-16-10 of the Code of West Virginia, 1931, as amended, relating to authorizing a temporary foreign brewers import license"; to the Committee on Government Organization then Finance.

**By Delegate Hornbuckle:**

**H. B. 2350** - "A Bill to amend and reenact §18A-4-10 of the Code of West Virginia, 1931, as amended, relating to granting full time employees of county boards of education three months of paid leave following the birth of a child, or the placement of a child in the home through adoption or foster care; and providing that the leave is in addition to any other leave available to the employee"; to the Committee on Education then Finance.

**By Delegate Hornbuckle:**

**H. B. 2351** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-98; and to amend said code by adding thereto a new section, designated §11-24-45, all relating to establishing personal or corporate income tax credit for businesses who hire, promote, and develop women and minorities into executive, professional, or administrative roles; findings; determination of eligibility for credit; providing for the amount of the credit; and providing for an effective date"; to the Committee on Workforce Development then Finance.

**By Delegate Hornbuckle:**

**H. B. 2352** - "A Bill to amend and reenact §16-19-3, §16-19-4, and §16-19-5 of the Code of West Virginia, 1931, as amended, all relating to living anatomical gifts; providing definition; establishing who may make a living anatomical gift and for what purposes; and establishing requirements for obtaining consent of the donor to make the gift"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Barnhart:**

**H. B. 2353** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3aa, relating to permitting counties to create a tax reduction fund; reduce taxes or fees on businesses and individuals; and use the savings funds for losses or shortfalls in the prior fiscal year"; to the Committee on Political Subdivisions then Finance.

**By Delegate Hornbuckle:**

**H. B. 2354** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, and §18-2L-4, all relating to the establishment of the 'Student Rescue Act,' allowing for students of all grades in West Virginia to be able to attend these courses if they so desire, and if there is enough interest, in order to make up instructional time or educational opportunities lost for a pandemic, natural disaster, or other singular event lasting more than 21 days; providing for a source of funding; and providing an effective date"; to the Committee on Education then Finance.

**By Delegate Hornbuckle:**

**H. B. 2355** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-5-9, relating to establishing a pilot program to develop school-based mental and behavioral health services as an alternative to disciplinary action for disruptive student behavior"; to the Committee on Education then Finance.

**By Delegate Hornbuckle:**

**H. B. 2356** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-15-51, relating to prohibiting certain devices which enhance a diesel-powered vehicle's capacity to emit soot, smoke, or other particulate emissions; and creating misdemeanor offense with penalty"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate Hornbuckle:**

**H. B. 2357** - "A Bill to amend and reenact §18-2-25 and §18-2-25a of the Code of West Virginia, 1931, as amended, all relating to granting jurisdiction to supervise youth sport league athletic events to county boards of education and the West Virginia Secondary School Activities Commission; requiring schools and youth sport leagues to implement certain safety measures during athletic events; authorizing fines; and requiring rulemaking"; to the Committee on Education then Government Organization then the Judiciary.

**By Delegate Hornbuckle:**

**H. B. 2358** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8-32, relating to making it a misdemeanor for a person to knowingly allow a felony drug offense to be committed on his or her property; creating a duty to report; establishing criminal penalties; and allowing a private cause of action"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Hornbuckle:**

**H. B. 2359** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-1, relating to creating 'The Young Professional Tax Credits' for student loans; and allowing tax credits for student loans for graduates between ages 18 and 40, together with a refundable child care credit"; to the Committee on Finance.

**By Delegate Hornbuckle:**

**H. B. 2360** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-29-1, relating to collecting a tax from all manufacturers and distributors of opioid drugs and their derivatives and substances included as Schedule II drugs in this state to fund drug addiction and prevention programs"; to the Committee on Health and Human Resources then Finance.

**By Delegate Holstein:**

**H. B. 2361** - "A Bill to amend and reenact §48-22-702 of the Code of West Virginia, 1931, as amended, relating to adoption records, providing a means for adoptees reaching 21 years of age to obtain an original birth certificate upon application and payment of fees"; to the Committee on the Judiciary.

**By Delegate Holstein:**

**H. B. 2362** - "A Bill to amend and reenact §51-2-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-7-11a of said code, all relating to permitting circuit court judges to carry a concealed firearm for self-defense purposes"; to the Committee on the Judiciary.

**By Delegate Holstein:**

**H. B. 2363** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-44, relating to requiring a moment of silence at the beginning of each school day; providing legislative findings; forbidding teachers from making suggestions as to the nature of the reflection that students may engage in during the moment of silence; and encouraging parents to discuss with their children what they should consider during the moment of silence"; to the Committee on Education then the Judiciary.

**By Delegate Holstein:**

**H. B. 2364** - "A Bill to amend and reenact §17-16A-13 of the Code of West Virginia, 1931, as amended, relating to exempting school buses currently in operation from having to pay tolls otherwise charged to vehicles on West Virginia roadways"; to the Committee on Technology and Infrastructure then Finance.

**By Delegate Holstein:**

**H. B. 2365** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-2D-1, §20-2D-2, §20-2D-3, §20-2D-4, and §20-2D-5, all relating to establishing the Hunting and Fishing Access to Private Lands Act; short title; Legislative intent; establishing a program within the Division of Natural Resources to allow public access onto private lands for hunting and fishing; conditions and requirements of program participants; limitation of duties and liability of participating landowners; and providing for legislative rulemaking"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Crouse:**

**H. B. 2366** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-9H-1, §18-9H-2, §18-9H-3, §18-9H-4, §18-9H-5, §18-9H-6, §18-9H-7, and §18-9H-8, all relating to video cameras in public classrooms; authorizing county boards to adopt a policy to install video cameras in public classrooms; defining the term 'incident'; providing requirements for such cameras; requiring a written explanation if operation of such cameras is interrupted; requiring county boards

to retain such explanation for a specified time period; requiring county boards to provide written notice of the installation of such cameras to certain individuals; providing requirements for retaining and deleting video recordings; prohibiting schools and county boards from certain actions regarding such recordings; providing that school principals are custodians of such cameras and recordings; specifying requirements for viewing such recordings; providing for an appeal process; setting forth limitations on liability; requiring the State Board of Education to collect specified information; and authorizing the State Board of Education to promulgate rules"; to the Committee on Education then Finance.

**By Delegate Crouse:**

**H. B. 2367** - "A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18B-1-12; and to amend and reenact §21-1A-3 of said code, all relating to providing parents the option to have their children vaccinated as a condition to entry of schools; forbidding schools from requiring masks on children under age 18; allowing those over 18 to make their own decisions regarding vaccinations as a condition of entry to colleges and trade schools in West Virginia; forbidding colleges and trade schools from requiring masks at their campuses for students 18 and over; and forbidding businesses from requiring vaccines or masks as a condition of employment or entry into an establishment"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Crouse:**

**H. B. 2368** - "A Bill to amend and reenact §16-39-8 of the Code of West Virginia, 1931, as amended, relating to patient visitation requirements for certain healthcare facilities; providing that visitation requirements apply notwithstanding patient or facility quarantine; requiring allowance of visitation of at least one person at all times; license requirements of healthcare facilities subject to the requirements; and establishing a minimum fine for a violation thereof"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Gearheart:**

**H. B. 2369** - "A Bill to amend and reenact §20-2-15 of the Code of West Virginia, 1931, as amended, relating to permit land owners or lessees of land whose land is damaged by deer or other wildlife to hire a third party to kill the deer or other wildlife by bow and arrow"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Gearheart:**

**H. B. 2370** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-2-2a, relating to requiring a transfer from reappropriated revenue accounts to General Revenue Fund"; to the Committee on Finance.

**By Delegate Gearheart:**

**H. B. 2371** - "A Bill to amend and reenact §17-16A-11 of the Code of West Virginia, 1931, as amended, relating to ensuring that funding to counties named in this section from the State Road Construction Account does not affect any other funding received by those counties from the State Road Fund"; to the Committee on Technology and Infrastructure then Finance.

**By Delegate Gearheart:**

**H. B. 2372** - "A Bill to amend and reenact §12-2-2 of the Code of West Virginia, 1931, as amended, relating to the forfeiture of unencumbered funds in special revenue accounts and repayment of certain percentages of the special revenue accounts to the General Revenue Fund, if these accounts have been inactive for designated periods; and prohibiting expenditures from these accounts pending the forfeiture of the funds"; to the Committee on Finance.

**By Delegate Gearheart:**

**H. B. 2373** - "A Bill to amend and reenact §17-16A-10 of the Code of West Virginia, 1931, as amended, relating to requiring the approval of the Legislature and the Governor before additional bonds may be issued by the Parkways Authority; and requiring tolls to be removed six months following removal of encumbrances for the bonds"; to the Committee on Technology and Infrastructure then Finance.



**By Delegate Gearheart:**

**H. B. 2374** - "A Bill to amend and reenact §3-10-4 of the Code of West Virginia, 1931, as amended, relating to filling a vacancy occurring in the House of Representatives in the Congress of the United States in the same manner as a vacancy in the Senate of the United States Congress"; to the Committee on the Judiciary.

**By Delegate Hott:**

**H. B. 2375** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated as §15-2-5a, relating to the West Virginia State Police; and providing additional salary and sign on incentive benefits to members of the state police"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

**By Delegate Hott:**

**H. B. 2376** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-3-4d, relating to the prohibition of discrimination based upon the vaccine status of an individual"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Fluharty:**

**H. B. 2377** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12n, relating to taxation of gambling and lottery winnings; providing those winnings are taxable income; allowing taxpayers to deduct certain losses incurred the same year; and providing for recordkeeping of those losses"; to the Committee on Finance.

**By Delegate Rowe:**

**H. B. 2378** - "A Bill to amend and reenact §21-5C-2 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum wage in West Virginia to the rate of \$15 per hour, phased in over a six year period"; to the Committee on Workforce Development then Finance.

**By Delegate Martin:**

**H. B. 2379** - "A Bill To amend and reenact §17-5-1 of the Code of West Virginia, 1931, as amended, relating to making all inmates,

regardless of gender, eligible to work on a state convict road force"; to the Committee on the Judiciary.

**By Delegate Ellington:**

**H. B. 2380** - "A Bill to repeal §18-9D-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-9A-10 of said code; and to amend and reenact §18-9D-2, §18-9D-3, §18-9D-4, §18-9D-6, §18-9D-7, §18-9D-8, §18-9D-9, §18-9D-13, §18-9D-15, and §18-9D-19 of said code, all relating to removing or revising obsolete, outdated, antiquated, inoperative, surplus or superseded provisions relating to defining terms; allowing funding directly to school construction fund instead of through school aid formula; providing duties and powers of school building authority; providing authority to issue revenue bonds; providing authority to offer higher education savings plans; closing certain fund; providing purposes and revenue sources for other funds; providing authority to collect rents; providing for the use of proceeds of bonds; providing for the issuance of revenue refunding bonds, use of proceeds, entry into escrow agreements and redemption of bonds; paying bonds; expending authority funds for projects; requirements for projects; and authorizing construction of comprehensive high schools"; to the Committee on Education.

**By Delegate Ellington:**

**H. B. 2381** - "A Bill to amend and reenact §18C-3-3 of the Code of West Virginia, 1931, as amended, relating to establishing the behavioral health workforce education initiative at the Higher Education Policy Commission"; to the Committee on Education then Finance.

**By Delegate Ellington:**

**H. B. 2382** - "A Bill to repeal §18-5B-1, §18-5B-2, §18-5B-3, §18-5B-4, §18-5B-5, §18-5B-6, §18-5B-7, §18-5B-8, §18-5B-9, §18-5B-11, §18-5B-12, §18-5B-13, and §18-5B-14 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-5B-10 of said code; and to amend and reenact §18-5E-3 of said code, all relating to repealing school innovation zones provisions superseded by Innovation in Education Act; updating exceptions to statutes granted to schools to reflect changes in underlying circumstances; updating provisions related to granted exceptions to

accommodate exceptions which may be granted to innovation in education schools and school systems; and clarifying process for state board and legislative oversight commission on education accountability to approve and recommend exceptions to statutes"; to the Committee on Education.

**By Delegate Ellington:**

**H. B. 2383** - "A Bill to amend and reenact §18-5-22 of the Code of West Virginia, 1931, as amended, relating to school nurses; requiring counties to employ nurses in proportion to student population; requiring each county to have at least one school nurse; allowing licensed practical nurses supervised by a registered professional nurse to be counted as nurse; and requiring that registered professional nurse of a county complete needs assessment"; to the Committee on Education then Finance.

**By Delegate Longanacre:**

**H. B. 2384** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-14-9, relating to a 10 cent per gallon refund of tax paid gasoline, diesel, or gasohol gallonage, paid at the pump, by residents of West Virginia; and proof of payment and residency"; to the Committee on Technology and Infrastructure then Finance.

**By Delegate Longanacre:**

**H. B. 2385** - "A Bill to amend and reenact §18-2-7b of the Code of West Virginia, 1931, as amended, relating to clarifying the manner of instruction for comprehensive drug awareness and prevention programs for students in grades K through 12"; to the Committee on Health and Human Resources then Education.

**By Delegate Longanacre:**

**H. B. 2386** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1, §7-28-2, §7-28-3, and §7-28-4, all relating to requiring local entities to enforce immigration laws; providing for definitions; requiring that a local entity not prohibit the enforcement of immigration laws or the cooperation with other governmental agencies to enforce immigration laws; protecting the taxpayers of West Virginia by ensuring that cities, towns, municipalities and

counties in West Virginia are immediately required to contact the United States Immigration and Customs Enforcement to identify where noncitizen residents are residing, so that the matter of their illegal status is resolved in the courts; and prohibiting discrimination while enforcing existing immigration laws and prohibiting sanctuary cities in West Virginia"; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate Longanacre:**

**H. B. 2387** - "A Bill to amend and reenact §5-5-2 of the Code of West Virginia, 1931, as amended, relating to requiring that all percentage salary increases shall be based upon merit and performance and not in equal amounts to all employees; the bill is to be known as the 'Fair Advancements for State Employees Act'; to the Committee on Government Organization then Finance.

**By Delegate Longanacre:**

**H. B. 2388** - "A Bill to amend and reenact §15A-11-9 of the Code of West Virginia, 1931, as amended, relating to the Save Our Volunteer Fire Departments Act, requiring the State Fire Commission to review and revise certain rules for training of volunteer firefighters and certification of volunteer fire departments; removing provision for a pilot program to implement proposed changes to such requirements; and requiring the State Fire Commission to consider separate standards to fit the character and level of development of a volunteer fire department's designated rural area"; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

**By Delegate Longanacre:**

**H. B. 2389** - "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §17B-2C-1, §17B-2C-2, §17B-2C-3, §17B-2C-4, §17B-2C-5, and §17B-2C-6, all relating to establishing a special plate with a medical condition diagnosis for persons with medical conditions affecting speech, mobility, or other motor functions; providing for a short title; providing for obtaining a medical condition designated driver's license, providing for obtaining a medical condition designated license plate; providing for confidentiality of medical records;

providing for rule-making authority; and providing for an effective date"; to the Committee on Technology and Infrastructure then Government Organization.

**By Delegate Kimble:**

**H. B. 2390** - "A Bill to amend and reenact §18B-20-1, §18B-20-3, §18B-20-5, §18B-20-6, §18B-20-7, and §18B-20-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §18B-20-10 and §18B-20-11, all relating to establishing the Forming Open and Robust University Minds (FORUM) Act through strengthening existing free expression on campus laws; providing for legislative findings regarding the exercise of First Amendment rights on public university campuses in this state as being critical components of the education experience for students; clarifying the definition of public forums; modifying certain time, place, and manner restrictions; strengthening development of policies and procedures; ensuring a reporting requirement and establishing the framework for reporting requirements; clarifying the statute of limitations; providing for immunity; and providing for severability"; to the Committee on Education then the Judiciary.

**By Delegate Rowe:**

**H. B. 2391** - "A Bill to amend and reenact §2-2-1a of the Code of West Virginia, 1931, as amended, relating to declaring February 3 as a special memorial day to be known as Freedom Day to memorialize the February 3, 1865, Act by the Legislature that abolished slavery in West Virginia"; to the Committee on Government Organization.

**By Delegate Rowe:**

**H. B. 2392** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-10c, relating to creating a misdemeanor crime of assault upon a person with bodily fluid"; to the Committee on the Judiciary.

**By Delegate Rowe:**

**H. B. 2393** - "A Bill to amend and reenact §11-13J-6, §11-13J-8, and §11-13J-12 of the Code of West Virginia, 1931, as amended, all relating to extending the Neighborhood Investment Program

Act; increasing the aggregate limit for the tax credit authorized under the program; and extending duration of the program until July 1, 2028"; to the Committee on Finance.

**By Delegate Rowe:**

**H. B. 2394** - "A Bill to amend and reenact §24-1-1 of the Code of West Virginia, 1931, as amended, relating to the Public Service Commission; and requiring annual reports on ratepayer utility costs to the Joint Committee on Government and Finance, adjusted for inflation"; to the Committee on Government Organization.

**By Delegate Rowe:**

**H. B. 2395** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §24-9-1, §24-9-2, and §24-9-3, all relating to establishing the consumer advocate division as a separate, independent agency; providing for legislative findings; providing the purpose of the Consumer Advocate Division; providing for a report to the Joint Committee on Government and Finance and the Governor; and distinguishing the consumer advocate division as an independent agency that is separate from the Public Service Commission"; to the Committee on Government Organization then Finance.

**By Delegate Fast:**

**H. B. 2396** - "A Bill to amend and reenact §47-15-1 and §47-15-2 of the Code of West Virginia, 1931, as amended, all relating to pyramid promotional schemes; definitions, and unlawful acts"; to the Committee on the Judiciary.

**By Delegate Fast:**

**H. B. 2397** - "A Bill to amend and reenact §61-8D-1 and §61-8D-4 of the Code of West Virginia, 1931, as amended, all relating to modifying the definitions of child abuse and neglect to exclude accidents"; to the Committee on Senior, Children, and Family Issues then the Judiciary.

**By Delegate Fast:**

**H. B. 2398** - "A Bill to amend and reenact §5-11-10 of the Code of West Virginia, 1931, as amended, relating to requiring the Human Rights Commission, when investigating a complaint of

discrimination, to specifically include an examination of the intent of the person or entity alleged to have committed the unlawful discriminatory practice"; to the Committee on the Judiciary.

**By Delegate Fast:**

**H. B. 2399** - "A Bill to repeal §21-3-19 of the Code of West Virginia, 1931, as amended, relating to employer discrimination for use of tobacco products"; to the Committee on the Judiciary.

**By Delegate Fast:**

**H. B. 2400** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-6-109a, relating to allowing a home improvement transaction to be performed under an oral contract"; to the Committee on the Judiciary.

**By Delegate Fast:**

**H. B. 2401** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-1B-14, relating to relocation or closure of state higher education institutions; establishing legislative findings; requiring an economic and educational accessibility impact study and plan be provided by a state institution of higher education to the Higher Education Policy Commission prior to closure or transfer of the physical presence in an existing location; requiring the commission to review, provide feedback and suggested changes to the institution desiring to close or transfer a physical presence; requiring the commission to make a recommendation to the Legislative Oversight Commission on Education Accountability (LOCEA); requiring the LOCEA to consider and take action within six months of submission; authorizing amendment of the recommended plan; authorizing transfer or closure pursuant to an approved LOCEA plan"; to the Committee on Education then the Judiciary.

**By Delegate Hott:**

**H. B. 2402** - "A Bill to repeal §23-2-6a of the Code of West Virginia, 1931, as amended; to amend and reenact §23-2-6 of said code; and to amend and reenact §23-4-2 of said code, all relating to workers' compensation; clarifying language regarding an

employers' exemption from liability; clarifying language regarding liability of employers who do not maintain mandatory workers' compensation coverage; clarifying language regarding employers' liability when an employees' injury is self-inflicted or the result of intoxication; and providing that the employee may recover when the injury or death was caused by an employer's deliberate intention"; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Steele:**

**H. B. 2403** - "A Bill to amend and reenact §61-10-31 of the Code of West Virginia, 1931, as amended, relating to defining criminal penalties for conspiracy to commit murder in the first degree, conspiracy to commit murder in the second degree, and conspiracy to commit voluntary manslaughter; and making other technical corrections"; to the Committee on the Judiciary.

**By Delegate Steele:**

**H. B. 2404** - "A Bill to amend and reenact §29-21-16 of the Code of West Virginia, 1931, as amended, relating to repayment of legal services when payment is made by the state for public defender services"; to the Committee on the Judiciary.

**By Delegate Steele:**

**H. B. 2405** - "A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to providing an exemption from the consumer sales tax upon sales of administrative services of performing employee administration tasks, including, but not limited to, employee payroll and benefits administration, on behalf of an employer"; to the Committee on Finance.

**By Delegate Steele:**

**H. B. 2406** - "A Bill to amend and reenact §21-5-5c and §21-5-5d of the Code of West Virginia, 1931, all relating to licensure for polygraph examiners, removing state licensure requirements for polygraph examiners; and updating criminal penalties associated with removing state licensure"; to the Committee on Government Organization.



**By Delegate C. Pritt:**

**H. B. 2407** - "A Bill to amend and reenact §9-8-5 of the Code of West Virginia, 1931, as amended, relating to requiring photo EBT cards to be used beginning July 1, 2023"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Hornbuckle:**

**H. B. 2408** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-21-1, §18B-21-2, §18B-21-3, and §18B-21-4, all relating to creating the Mountaineer Games Sports League; establishing findings; establishing board of directors; creating duties and objectives for the board; establishing league affiliates; creating structure for the divisions; and creating the Mountaineer Games Governor's Cup"; to the Committee on Health and Human Resources then Government Organization.

**By Delegate Hornbuckle:**

**H. B. 2409** - "A Bill to amend and reenact §22-15-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22-15-25, all relating to the development and implementation of a program to regulate source-separated organic material waste; requiring permits for the facilities and general operation; providing for general handling of organic material waste; authorizing the secretary of the Department of Environmental Protection to promulgate rules; authorizing the secretary to provide exemptions; and to provide for curb-side pickup of composting"; to the Committee on Health and Human Resources then Government Organization.

**By Delegate Hornbuckle:**

**H. B. 2410** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-23-9b, relating to establishing the Commission on American History Enrichment; providing legislative findings relating to evaluating history lessons and materials for history courses that are more inclusive of the history of historic minorities; providing for appointment and membership of the commission; requiring commission to meet and submit reports; and providing for pay and expenses of commission"; to the Committee on Education then Finance.

**By Delegate Hornbuckle:**

**H. B. 2411** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-3-13, relating to establishing the Cultural Competency in Education Act; providing expanded measures relating to teacher certification; and requiring teachers attaining their initial licensure or renewing their license to participate in cultural competency training"; to the Committee on Education.

**By Delegate Hornbuckle:**

**H. B. 2412** - "A Bill to amend and reenact §2-2-1a of the Code of West Virginia, 1931, as amended, relating to declaring November 14 every year, a special memorial day in remembrance of the Marshall University airplane crash"; to the Committee on Government Organization.

**By Delegate C. Pritt:**

**H. B. 2413** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-5-37, relating to permitting pharmacists to dispense ivermectin by means of a standing order; creating definitions; providing for guidelines, clarifying the role of the West Virginia Board of Medicine; and providing for an effective date"; to the Committee on Health and Human Resources.

**By Delegate C. Pritt:**

**H. B. 2414** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17B-2-1d, relating to allowing an individual with a medical condition or conditions to have those conditions placed upon a driver's license or permit so that an officer may be aware of the condition or conditions a driver may have"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate C. Pritt:**

**H. B. 2415** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-6A-1, §29-6A-2, §29-6A-3, §29-6A-4, and §29-6A-5, all relating to enacting the Ban-the-Box Act, prohibiting public employers from asking applicants for employment to disclose information

concerning the applicant's criminal record or history, under certain circumstances"; to the Committee on Workforce Development then the Judiciary.

**By Delegate C. Pritt:**

**H. B. 2416** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-39-9, relating to permitting parents or guardians visit a minor patient in a health care facility"; to the Committee on Health and Human Resources.

**By Delegate Pushkin:**

**H. B. 2417** - "A Bill to amend and reenact §48-27-301 of the Code of West Virginia, 1931, as amended, relating to directing the Supreme Court of Appeals to create a pilot domestic violence court in Kanawha County"; to the Committee on the Judiciary.

**By Delegate Burkhammer:**

**H. B. 2418** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-29-1, §11-29-2, §11-29-3, and §11-29-4, all related to creating a tax credit for living and deceased organ donors named the Organ Donation Tax Deduction Act; establishing Act's purpose; establishing the amount of tax credit and eligible taxpayers; and providing for the applicability of the tax credit"; to the Committee on Finance.

**By Delegate Pushkin:**

**H. B. 2419** - "A Bill to repeal §16-5Y-12 of the Code of West Virginia, 1931, as amended, relating to removing the Certificate of Need moratorium on opioid treatment facilities"; to the Committee on Health and Human Resources.

**By Delegate Pushkin:**

**H. B. 2420** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-22-1, §55-22-2, §55-22-3, §55-22-4, §55-22-5, §55-22-6, §55-22-7 and §55-22-8, all relating to the establishing of the West Virginia Public Participation Act; providing legislative findings and declarations; defining terms; authorizing litigants to petition for

dismissal of strategic lawsuits against public participation; establishing procedures for dismissal; setting burdens of proof; providing for judicial review of any decision on a petition for dismissal; providing for the award of attorneys' fees, costs and other relief; and providing for exceptions and limitations on the applicability of the West Virginia Public Participation Act"; to the Committee on the Judiciary.

**By Delegate C. Pritt:**

**H. B. 2421** - "A Bill to amend and reenact §18B-1-3 and §18B-1-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-1B-4 of said code; to amend and reenact §18B-2A-4 of said code; to amend and reenact §18B-2B-6 of said code; and to amend said code by adding thereto a new section, designated §18B-4-5b, all relating to denying institutions of higher education the authority to restrict or regulate the carrying of a concealed deadly weapon by a person who holds a current license to carry a concealed deadly weapon; providing exceptions as to when regulation may occur; and designating these amendments as 'The Campus Self Defense Act'"; to the Committee on Education then the Judiciary.

**By Delegate Keaton:**

**H. B. 2422** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-20b, relating to the reallocation of certain severance tax proceeds to the State Road Fund, rather than the General Revenue Fund; providing for a three-year fiscal year phase-in date; and providing exceptions for counties and municipalities who receive severance tax proceeds that are not otherwise intended for the General Revenue Fund"; to the Committee on Finance.

**By Delegate Keaton:**

**H. B. 2423** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-11-9b; to amend said code by adding thereto a new section, designated §11B-2-33; and to amend said code by adding thereto a new section, designated §18-2-44, all relating to prohibiting discriminatory 'divisive acts' in the workplace; adding to the definition 'divisive acts' of the Human Rights Act; prohibiting the

teaching of ‘divisive acts’ in West Virginia schools; and prohibiting state funding to agencies who promote ‘divisive acts’; to the Committee on Workforce Development then Education then the Judiciary.

**By Delegate Keaton:**

**H. B. 2424** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-19-1, §55-19-2, §55-19-3, §55-19-4, §55-19-5, §55-19-6, and §55-19-7, all relating to creating the ‘Unborn Infants Wrongful Death Act’, stating legislative findings and purposes; defining terms; creating a cause of action with exceptions; stating that article does not condone abortion, nor make abortion legal by this act; and right of intervention to defend constitutionality of this act”; to the Committee on the Judiciary.

**By Delegate Keaton:**

**H. B. 2425** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-1-31, relating to requiring regulatory agency heads have at least one year of experience within, or with a nexus to, the regulated industry”; to the Committee on Government Organization.

**By Delegate Rohrbach:**

**H. B. 2426** - “A Bill to amend and reenact §33-4A-8 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of the Department of Health and Human Resources to develop a submission procedures manual for the all-payer claims database and adopt the same as a procedural rule”; to the Committee on Health and Human Resources.

**By Delegate Rohrbach:**

**H. B. 2427** - “A Bill to amend and reenact §16-2D-9, of the Code of West Virginia, 1931, as amended, relating to certificate of need; establishing the status of beds when an intermediate care facility for individuals with intellectual disabilities closes”; to the Committee on Health and Human Resources.

**By Delegate Rohrbach:**

**H. B. 2428** - "A Bill to amend and reenact §49-1-203 of the Code of West Virginia, 1931, as amended; to amend and reenact §49-2-110 and §49-2-111c of said code; to amend said code by adding thereto a new section, designated §49-2-111d; to amend and reenact §49-4-405, §49-4-501, and §49-4-601 of said code; and to amend and reenact §49-9-101, §49-9-103, §49-9-105, §49-9-106, and §49-9-107 of said code, all relating to foster care; creating new definitions; requiring child placement agencies provide services to kinship family; deleting outdated language; requiring bureau to use the PATH system and a web based portal, matching database, and dashboard database; requiring salaries of direct service employees be raised for recruitment and retention; requiring circuit court judges to issue scheduling order for multidisciplinary treatment team; including managed care case coordinator in multidisciplinary treatment team; allowing department to hire outside counsel; requiring sheriff's office to serve notice of hearing; requiring foster care ombudsman to make recommendations in accordance with the Foster Child Bill of Rights and the Foster and Kinship Parent Bill of Rights; authorizing ombudsman to have access to kinship family; exempting foster care ombudsman from testifying about official duties; making investigation of complaint confidential except when imminent risk of harm reported to foster care ombudsman"; to the Committee on Health and Human Resources then Finance.

**By Delegate Rohrbach:**

**H. B. 2429** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-62-1, all relating to protecting patient access to physician-administered medications; and prohibiting certain actions"; to the Committee on Health and Human Resources.

**By Delegate Rohrbach:**

**H. B. 2430** - "A Bill to amend and reenact §33-59-1 of the Code of West Virginia, 1931, as amended, relating to diabetes; reducing copayments; adding coverage for devices; permitting testing equipment to be purchased without a prescription"; to the Committee on Health and Human Resources.

**By Delegate Rohrbach:**

**H. B. 2431** - "A Bill to amend and reenact §16-53-1 and §16-53-2 of the Code of West Virginia, 1931, as amended, relating to the Ryan Brown Fund; disposition and allocation of funds to health care facilities or offering health services for children under one year of age suffering from Neonatal Abstinence Syndrome"; to the Committee on Health and Human Resources then Finance.

**By Delegate Rohrbach:**

**H. B. 2432** - "A Bill to amend and reenact §61-2-10b of the Code of West Virginia, 1931, as amended, relating to increasing the penalties for exposure of governmental representatives, including emergency medical service personnel, to fentanyl or any other harmful drug or chemical agent"; to the Committee on the Judiciary.

**By Delegate Toney:**

**H. B. 2433** - "A Bill to amend and reenact §18A-4-8 and §18A-4-8a of the Code of West Virginia, 1931, as amended, all relating to creating three separate job titles for school bus operators; and establishing pay scales"; to the Committee on Education then Finance.

**By Delegate Toney:**

**H. B. 2434** - "A Bill to amend and reenact §18A-4-8 of the Code of West Virginia, 1931, as amended, relating to modifying the definitions and pay grades of certain school cafeteria personnel"; to the Committee on Education then Finance.

**By Delegate Tully:**

**H. B. 2435** - "A Bill to repeal §18-2-33 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §18-16A-1, §18-16A-2, and §18-16A-3, and §18-16A-4 all relating to hazing in K-12 education; establishing the West Virginia Public School Anti-hazing Law; defining terms; prohibiting hazing and providing for penalties; and proving for legislative authority to promulgate rules required to enforce the article"; to the Committee on Education then the Judiciary.

**By Delegate Tully:**

**H. B. 2436** - "A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5B-20, relating to the implementation of an acuity-based patient classification system; defining terms; providing for legislative findings; establishing a process to develop a plan; requiring a staffing plan to be reported; providing an exemption from the Freedom of Information Act; and establishing a framework for the staffing plans to be sent"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Tully:**

**H. B. 2437** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-17, relating to fetal body parts; defining terms; prohibiting buying, selling, receiving, transferring, acquiring, or transporting of fetal body parts resulting from an induced abortion; providing exceptions; and providing criminal penalties"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Cooper:**

**H. B. 2438** - "A Bill to amend and reenact §16-2D-10 of the Code of West Virginia, 1931, as amended, relating to exemption for certificate of need for a long-term health care facility that increases the number of beds by five percent for occupation by veterans"; to the Committee on Health and Human Resources.

**By Delegate Cooper:**

**H. B. 2439** - "A Bill to amend and reenact §11-15-3c of the Code of West Virginia, 1931, as amended, relating to exempting from the sales tax all-terrain vehicles and utility terrain vehicles used as farm equipment"; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegate Kimble:**

**H. B. 2440** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-4G-1, §16-4G-2, §16-4G-3, and §16-4G-4, all relating to protecting the genetic privacy of newborn infants; defining terms; requiring consent of parent or guardian for genetic screening, retention of



blood samples, and retention of test results; mandating the proposal of legislative rules to limit the amount of blood that may be sampled or taken from newborn infants; limiting the purposes for which blood samples and test results may be used; and declaring that the requirement for informed, voluntary consent may not be abrogated"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Hornbuckle:**

**H. B. 2441** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §25-8-1, §25-8-2, §25-8-3, §25-8-4, §25-8-5, §25-8-6, §25-8-7, §25-8-8, and §25-8-9; all relating to creation of a task force to provide comprehensive reentry transitional services to criminal offenders reentering communities; providing for a short title; providing for legislative findings; providing for membership of the task force; providing for no compensation to members; providing for staffing requirements; providing for duties of the task force; providing for funding; creating a fund; providing for the disposition of fund moneys; establishing requirements to apply for federal grant funding; requiring a strategic plan for funding; providing for standard reentry services; providing for family-based substance abuse services; providing for educational services; providing for drug treatment and mentoring services; providing for responsible reintegration services; providing for elderly and family reunification services; providing for children of incarcerated parents services; providing for reports to the Legislature; providing a severability clause; and providing for an effective date"; to the Committee on Jails and Prisons then the Judiciary then Finance.

**By Delegate Cooper:**

**H. B. 2442** - "A Bill to amend and reenact §17E-1-18 of the Code of West Virginia, 1931, as amended, relating to commercial driver's license; and requiring that a state employee with a commercial driver's license have a current medical evaluation certification and may not have a medical waiver"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate Toney:**

**H. B. 2443** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-23, relating to candidates for professional employee positions involving supervision of a county transportation department; making any service employee who is certified as a Director or Supervisor of Pupil Transportation by the National Association for Pupil Transportation Certification an eligible candidate and requiring county boards to consider such candidates"; to the Committee on Education.

**By Delegate Toney:**

**H. B. 2444** - "A Bill to amend and reenact §15A-4-20 of the Code of West Virginia, 1931, relating to allowing inmates to perform the community service of providing upkeep to cemeteries"; to the Committee on Jails and Prisons then the Judiciary.

**By Delegate Toney:**

**H. B. 2445** - "A Bill to amend and reenact §17-16A-6 of the Code of West Virginia, 1931, as amended, relating to exempting emergency medical service vehicles from paying turnpike tolls"; to the Committee on Technology and Infrastructure then Finance.

**By Delegate Walker:**

**H. B. 2446** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-3-7, relating to establishing a tip line to the Department of Health and Human Resources for citizens to report instances of food insecurity and requiring appropriate personnel to follow up on tips to provide assistance to those individuals"; to the Committee on Health and Human Resources.

**By Delegate Walker:**

**H. B. 2447** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-65-1, relating to establishing a program to provide a CARE FOR ALL telephone referral number and website access to provide public access to resources for medical care, including resources and

providers that are LGBTQ+, Black, and POC-friendly"; to the Committee on Health and Human Resources then Finance.

**By Delegate Walker:**

**H. B. 2448** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5EE-1, relating to requiring primary care physicians to provide disclosures to patients regarding triple negative breast cancer"; to the Committee on Health and Human Resources.

**By Delegate Walker:**

**H. B. 2449** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-3-23, relating to prohibiting employers and agents from requiring an employee or applicant to provide any information about the person's salary history or prior compensation; and providing criminal penalties"; to the Committee on the Judiciary.

**By Delegate Dean:**

**H. B. 2450** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, and §11-13MM-3; to amend and reenact §20-2-28 of said code; and to amend and reenact §20-2B-7 of said code, all relating to tax credit offered to disabled veterans that have been honorably discharged from the military for the cost of their lifetime hunting, trapping and fishing license; defining 'eligible veteran'; establishing amount of credit; setting procedures to claim credit; requiring that disabled veterans obtaining a hunting, trapping, and fishing license; and requiring proposal of appropriate legislative rule"; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegate Dean:**

**H. B. 2451** - "A Bill to amend and reenact §5-10-18 of the Code of West Virginia, 1931, as amended, relating to providing an 11-month window to permit members of the Public Employees Retirement System to purchase credited service that had been previously forfeited"; to the Committee on Pensions and Retirement then Finance.

**By Delegate Dean:**

**H. B. 2452** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-30, relating to providing a supplemental year for West Virginia high school students who have been affected by COVID-19 in order to complete their studies and remain with their parents another year, so long as they satisfy other necessary requirements; and providing for an effective date"; to the Committee on Education then Finance.

**By Delegate Dean:**

**H. B. 2453** - "A Bill to amend and reenact §30-2-1 of the Code of West Virginia, 1931, as amended, relating to admission to the practice of law; permitting persons with master's degrees, regardless of the course of study, to take an examination for admission to practice law in the courts of this state, and deleting obsolete language"; to the Committee on the Judiciary.

**By Delegate Dean:**

**H. B. 2454** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §23-4D-1, §23-4D-2, §23-4D-3, §23-4D-4, §23-4D-5, and §23-4D-6, all relating to creating the West Virginia Black Lung Program; granting entitlement for pain and suffering for occupational pneumoconiosis; providing that 10 years' exposure as a miner is a conclusive presumption of entitlement to pain and suffering benefits; calculating benefits; providing tax credit for benefits; imposing additional severance tax and tax on generation of electricity by solar and wind devices; creating the State Black Lung Fund; requiring the Governor and Legislature to cooperate with other states to attempt to recoup the federal excise tax on coal; and proposing rules by the Insurance Commissioner and Tax Commissioner"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Martin:**

**H. B. 2455** - "A Bill to amend and reenact §18A-4-8 of the Code of West Virginia, 1931, as amended, relating to defining a work day and a one-half work day for school service personnel and removing a provision relating to employment of licensed practical nurses"; to the Committee on Education.

**By Delegate Martin:**

**H. B. 2456** - "A Bill to amend and reenact §24-3-2 of the Code of West Virginia, 1931, as amended, relating to prohibiting a noninvestor-owned water or sewer public utility from prohibiting a customer from constructing, installing, or maintaining a connection or other infrastructure necessary for the customer to connect to the public utility to receive service"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate Rohrbach:**

**H. B. 2457** - "A Bill to amend and reenact §18B-10-7a of the Code of West Virginia, 1931, as amended, relating to tuition and fee waivers or adjustments for resident students and certain non-resident students; and by decreasing the eligibility age from 65 to 60 years of age or older"; to the Committee on Education then Finance.

**By Delegate Clark:**

**H. B. 2458** - "A Bill to amend and reenact §18-20-1c of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18A-2-3a; and to amend and reenact §18A-4-10 and §18A-4-14 of said code, all relating to public school personnel; prohibiting regular classroom teachers and special education classroom teachers required to participate an individualized education program committee from being required to prepare or reduce to writing the individualized education program plan; providing for contracted employment of substitute teachers for 180 instructional days; requiring employment in schools of certain size and describing duration, nature, qualifications and daily rate of pay of 180 day contract substitute teacher; increasing number of personal leave days an employee may use without regard to the cause for the absence; and requiring state board rule providing uniform procedure, prohibition, form and benefit regarding a teacher's voluntary exchange of duty-free lunch recess to perform duties at the school"; to the Committee on Education then Finance.

**By Delegate Clark:**

**H. B. 2459** - "A Bill to amend and reenact §8A-1-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact

§8A-7-3 of said code; all relating to zoning requirements for exempt wholesale generators; providing for the definition of 'exempt wholesale generator'; and, providing that exempt wholesale generators are a permitted use in any zoning district"; to the Committee on the Judiciary.

**By Delegate Clark:**

**H. B. 2460** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-9-1, §46A-9-2, §46A-9-3, §46A-9-4, and §46A-9-5, all relating to online privacy protection for children; defining terms; establishing actions prohibited; creating rulemaking authority; providing safe harbor for operators; and providing for enforcement by the Attorney General"; to the Committee on the Judiciary.

**By Delegate Mazzocchi:**

**H. B. 2461** - "A Bill to amend and reenact §18-20-11 of the Code of West Virginia, 1931, as amended, relating to increasing monitoring of special education classrooms; adding that an audio recording device be present in the restroom of a self-contained classroom; requiring video and audio recordings be maintained for 26 weeks; requiring county to monitor school video and audio recordings for at least 60 minutes each month; requiring incidents or issues discovered in recordings be reported to school principal or administrator"; to the Committee on Education then Finance.

**By Delegate Mazzocchi:**

**H. B. 2462** - "A Bill to amend and reenact §55-7-22 of the Code of West Virginia, 1931, as amended, relating to use of force, including deadly force, in defense of self, real, and personal property; providing immunity from civil and/or criminal prosecution against persons lawfully using force in defensive actions; when there is no duty to retreat; and providing for the receipt of court costs, fees, and expenses for persons acting to protect self, real, and personal property, another person or in other defined situations"; to the Committee on the Judiciary.

**By Delegate Miller:**

**H. B. 2463** - "A Bill to amend and reenact §18-7A-38 of the Code of West Virginia, 1931, as amended, relating to permitting

retirees under the state Teachers Retirement System to work as substitute teachers for up to 180 days without loss of the payment of monthly retirement benefits; adding a legislative finding; changing the allowed period of employment; and providing that no additional retirement system contributions will be made from such employment"; to the Committee on Education then Finance.

**By Delegate Walker:**

**H. B. 2464** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-4-22, relating to restricting the use of solitary confinement or administrative segregation to discipline inmates incarcerated with the division of corrections"; to the Committee on Jails and Prisons then the Judiciary.

**By Delegate Walker:**

**H. B. 2465** - "A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to increasing the PROMISE scholarship award to include all tuition costs regardless of the major, double majors, or courses of interest"; to the Committee on Education then Finance.

**By Delegate Walker:**

**H. B. 2466** - "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to excluding income from West Virginia retirement systems and social security from inclusion in adjusted gross income or resident individuals"; to the Committee on Pensions and Retirement then Finance.

**By Delegate Walker:**

**H. B. 2467** - "A Bill to amend and reenact §51-1-4a of the Code of West Virginia, 1931, as amended, relating to authorize the Supreme Court of Appeals to promulgate rules defining legal apprenticeships and designing and approving a plan for legal apprentices to work and study as apprentices in a law office with the goal to allow the apprentices to qualify to take the bar exam without attending law school"; to the Committee on Government Organization then the Judiciary.

**By Delegate Walker:**

**H. B. 2468** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5A-1, §21-5A-2, §21-5A-3, §21-5A-4, §21-5A-5, §21-5A-6, §21-5A-7, §21-5A-8, and §21-5A-9, all relating to reestablishing prevailing wages for certain state government contracts; declaring policy; defining terms; requiring contractors to ascertain rates and to include rates in contract specifications; requiring annual determinations of prevailing wage rates; establishing procedures to file objections to prevailing wage rate determinations; providing for hearings, judicial review, and appeal; requiring mandatory provisions in contracts and sub-contracts; providing for posting of rates and record-keeping; establishing criminal penalties for violations of the act; and limiting the scope of the law to post-enactment contracts"; to the Committee on Workforce Development then Government Organization then the Judiciary.

**By Delegate Walker:**

**H. B. 2469** - "A Bill to repeal §17C-17-11 of the Code of West Virginia, 1931, as amended, relating to permits for excess size and weight"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate Walker:**

**H. B. 2470** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-21A-1, related to creating a state youth advisory council"; to the Committee on Education.

**By Delegate Pinson:**

**H. B. 2471** - "A Bill to amend and reenact §8-10-2b of the Code of West Virginia, 1931, as amended, relating to ensuring that if a person establishes a payment plan, but does not make at least one payment within 6 months from the date of setting up the payment plan, that person's driver's license will be suspended"; to the Committee on Technology and Infrastructure then the Judiciary.



**By Delegate Fast:**

**H. B. 2472** - "A Bill to amend and reenact §62-12-12 of the Code of West Virginia, 1931, as amended, relating to adding additional members to the West Virginia Parole Board"; to the Committee on Government Organization.

**By Delegate Fast:**

**H. B. 2473** - "A Bill to amend and reenact §49-5-101 of the Code of West Virginia, 1931, as amended, relating to permitting a current or former employee of the Division of Corrections and Rehabilitation access to relevant juvenile records for purposes of pursuing a grievance; permitting the release of such records only after a hearing to determine relevancy by the Public Employees Grievance Board; providing for the sealing of such relevant records from public view and the redaction of any identifying information related to the juvenile; placing certain limitations on the grieving party's use of such records; permitting a grieving party's representative access to such records; requiring a court order for any further use of such records outside of the grievance proceeding; subjecting the grievant and grievance representative to criminal penalties for violations of the section; and making technical corrections"; to the Committee on the Judiciary.

**By Delegate Fast:**

**H. B. 2474** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11C-1, §5-11C-2, §5-11C-3, §5-11C-4, and §5-11C-5, all relating to establishing the West Virginia Religious Freedom Restoration Act to ensure that, in all cases where state action is alleged to substantially burden the exercise of religion, that a compelling interest test is mandated, and, strict scrutiny is applied; including a short title; providing definitions; and addressing applicability, construction, remedies, and severability"; to the Committee on the Judiciary.

**By Delegate Fast:**

**H. B. 2475** - "A Bill to amend and reenact §29-21-13a of the Code of West Virginia, 1931, as amended, relating to increasing the hourly rate of investigators working for Public Defender Services from \$30 to \$65"; to the Committee on Finance.

**By Delegate Fast:**

**H. B. 2476** - "A Bill to amend and reenact §8A-12-12 of the Code of West Virginia, 1931, as amended, relating to ending the authority of county farmland protection boards to acquire ownership of farm property or other properties for farmland protection"; to the Committee on Agriculture and Natural Resources then Government Organization.

**By Delegate Fast:**

**H. B. 2477** - "A Bill to amend and reenact §15A-4-11 of the Code of West Virginia, 1931, as amended, relating to the financial responsibility of inmates in relation to civil awards and previously entered court-ordered obligations, and requiring the division to subtract the moneys from civil judgments and settlements to be paid towards court ordered obligations even if a court of competent jurisdiction does not enter an order"; to the Committee on the Judiciary then Finance.

**By Delegate Fast:**

**H. B. 2478** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11C-1, §5-11C-2, §5-11C-3, §5-11C-4, and §5-11C-5, all relating to establishing the West Virginia Religious Freedom Restoration Act to ensure that, in all cases where state action is alleged to substantially burden the exercise of religion, that a compelling interest test is mandated, and, strict scrutiny is applied; including a short title; providing definitions; and addressing applicability, construction, remedies, and severability"; to the Committee on the Judiciary.

**By Delegate Hott:**

**H. B. 2479** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-39, relating to rules for hunting antlered deer"; to the Committee on Agriculture and Natural Resources then Government Organization.

**By Delegate Rowe:**

**H. B. 2480** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §42-2-1; to amend and reenact §42-3-2 of said code, as amended; and to

repeal §44-1-17 of said code, all relating to the creation of an exempt property allowance in the surviving spouse or minor children of a decedent"; to the Committee on the Judiciary.

**By Delegate Rowe:**

**H. B. 2481** - "A Bill to amend and reenact §21-5C-2 of the Code of West Virginia, 1931, as amended, relating to incrementally increasing the state minimum wage over a five-year period to \$15 per hour in 2028"; to the Committee on Workforce Development then the Judiciary.

**By Delegate Rowe:**

**H. B. 2482** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §16-1-22 and §16-1-22a, all relating to social determinants of health; establishing the Minority Health Advisory Team including its composition and duties; authorizing a Community Health Equity Initiative Demonstration Project; authorizing the Commissioner of the Bureau for Public Health to establish a Community Health Equity Initiative Demonstration Project; establishing eligibility requirements; providing for the administration of the demonstration project; establishing requirements for a demonstration project plan and the selection of communities for participation; establishing reporting requirements; and establishing the date on which the demonstration project terminates"; to the Committee on Health and Human Resources then Finance.

**By Delegate Rowe:**

**H. B. 2483** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12n; and to amend said code by adding thereto a new section, designated §11-24-23h, all relating to creating a tax credit for improving facades in historic districts; providing that individuals and corporations are entitled to a 25 percent tax credit of the replacement cost of historic facades; and setting forth conditions"; to the Committee on Finance.

**By Delegate Rowe:**

**H. B. 2484** - "A Bill to amend and reenact §17-4-18 of the Code of West Virginia, 1931, as amended, relating to requiring

paving contracts for state highways to have special requirements to prevent potholes"; to the Committee on Technology and Infrastructure then Finance.

**By Delegate Rowe:**

**H. B. 2485** - "A Bill to amend and reenact §16-5S-9 of the Code of West Virginia, 1931, as amended, relating to establishing reimbursement rates for congregate and in-home meals"; to the Committee on Senior, Children, and Family Issues then Finance.

**By Delegate Rowe:**

**H. B. 2486** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-11-1, §5B-11-2, and §5B-11-3, all relating to establishment of an Economic and Community Development Task Force; establishing the composition of task force; and requiring a report of task force to Joint Committee on Government and Finance"; to the Committee on Government Organization then Finance.

**By Delegate Rowe:**

**H. B. 2487** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-10-101, relating to designation of social workers in the Department of Health and Human Resources to promote better student school attendance and performance, and the health and well-being of students at home; describing duties; and limiting use of information obtained"; to the Committee on Education then Finance.

**By Delegate Rowe:**

**H. B. 2488** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-15h, relating to requiring county boards of education to provide days prior to early voting during primary and general elections for registering eligible students to vote and being transported to vote"; to the Committee on Education then Finance.

**By Delegate Rowe:**

**H. B. 2489** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-23a, relating to allowing low-income senior citizens to receive

certain tax credits without filing a state income tax return"; to the Committee on Senior, Children, and Family Issues then Finance.

**By Delegate Rowe:**

**H. B. 2490** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §44A-6-1, §44A-6-2, §44A-6-3, §44A-6-4, and §44A-6-5; and to amend and reenact §51-2A-2 of said code, all relating to establishing a procedure to name a kinship legal guardian; defining terms; establishing eligibility to file a petition; describing required contents for a petition; bestowing family court jurisdiction; setting fee; providing for review of petition without hearing and entry of an order of approval; and describing the scope and effect of an order of approval"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Pinson:**

**H. B. 2491** - "A Bill to amend and reenact §7-14D-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §7-14D-11a, all relating to the Deputy Sheriff Retirement System Act; permitting the board to set the employer contribution rate; setting a maximum employer contribution rate upon payment of the first annual annuity adjustment; and providing an annual annuity adjustment of one percent for eligible deputy sheriff retirants and surviving spouses"; to the Committee on Pensions and Retirement then Finance.

**By Delegate Pinson:**

**H. B. 2492** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §35-1A-1, §35-1A-2, and §35-1A-3, all relating to forbidding excessive government limitations on exercise on religion; providing definitions; forbidding government to treat religious conduct more restrictively than any conduct of reasonably comparable risk; forbidding government to treat religious conduct more restrictively than comparable conduct because of alleged economic need or benefit; to ensure that, in all cases where state action is alleged to substantially burden the exercise of religion, that a compelling interest test is mandated, and strict scrutiny is applied; providing

remedies; and addressing applicability, construction, and severability"; to the Committee on the Judiciary.

**By Delegate Pinson:**

**H. B. 2493** - "A Bill to amend and reenact §7-14D-2 and §7-14D-14 of the Code of West Virginia, 1931, as amended; and to amend and reenact §7-14E-2 of said code, all relating to providing increased benefits for retired sheriff's deputies; adjusting the percentage factor for members retired after July 1, 2018; increasing the benefit amount for totally disabled retirees; and authorizing the increase of certain fees, paid by the county, for deposit into the Deputy Sheriff Retirement Fund"; to the Committee on Pensions and Retirement then Finance.

**By Delegate Pinson:**

**H. B. 2494** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-3-14, relating to requiring that students in high school are required to pass a test on the United States Constitution in order to graduate from high school; providing that the State Board of Education shall create the test; providing that the test require a high passage rate; providing a mechanism for students to re-take the test if necessary; and providing for an effective date"; to the Committee on Education.

**By Delegate Pinson:**

**H. B. 2495** - "A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to the secondary schools activities commission and participation in commission activities by private and parochial school students whose schools are not members of the commission"; to the Committee on Education.

**By Delegate Pinson:**

**H. B. 2496** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2Q-1, relating to abortion, requiring all abortions to be performed by a physician board-certified eligible in obstetrics and gynecology"; to the Committee on Health and Human Resources.

**By Delegate Kimble:**

**H. B. 2497** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-14-12, relating to prohibiting colleges and universities in West Virginia from requiring the COVID-19 vaccine or booster shots associated with the COVID-19 vaccine as a prerequisite for attending in-person classes"; to the Committee on Health and Human Resources then Education.

**By Delegate Kimble:**

**H. B. 2498** - "A Bill to amend and reenact §16-5Y-6 of the Code of West Virginia, 1931, as amended, relating to requiring written policies of medication-assisted treatment programs"; to the Committee on Political Subdivisions then Health and Human Resources.

**By Delegate Kimble:**

**H. B. 2499** - "A Bill to amend and reenact §61-8B-9a of the Code of West Virginia, 1931, as amended; to amend and reenact §61-8C-2 of said code; and to amend and reenact §61-14-2 of said code, all relating to dangerous crimes against children; and ensuring that stronger criminal penalties are associated with crimes against children"; to the Committee on the Judiciary.

**By Delegate Kimble:**

**H. B. 2500** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-2D-1, §4-2D-2, §4-2D-3, and §4-2D-4, all relating to the creation of the Privacy Protection Act; establishing definitions; defining the role of the State Auditor's Office in collaboration with the State Privacy Officer; creating the State Privacy Officer; and creating the Personal Privacy Oversight Committee"; to the Committee on the Judiciary then Finance.

**By Delegate Kimble:**

**H. B. 2501** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-24-7x, relating to requiring hospitals without an American Sign Language (ASL) interpreter on staff to provide technology to assist

with communication for hearing or speech impaired patients and visitors"; to the Committee on Health and Human Resources.

**By Delegate Kimble:**

**H. B. 2502** - "A Bill to repeal §17C-15-44 of the Code of West Virginia, 1931, as amended, relating to safety equipment and requirements for motorcyclists"; to the Committee on Technology and Infrastructure then the Judiciary.

**Motions**

At the request of Delegate Householder, and by unanimous consent, the applicable provisions of House Rule 136, relating to privileges of the floor, were suspended for the Joint Assembly, and approved activities during the Session, to permit invited guests the privileges of the floor.

**Messages from the Senate**

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 reported by the Clerk:

**S. C. R. 1** - "Adopting Joint Rules of the Senate and House of Delegates."

At the respective requests of Delegate Householder, and by unanimous consent, reference of the resolution (S. C. R. 1) to a committee was dispensed with, and it was taken up for immediate consideration, and adopted.

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by the Clerk:



**S. C. R. 2** - “Relating to the payment of bills for supplies, services and printing and authorized contingent and other expenses of the eighty-sixth Legislature.”

At the respective requests of Delegate Householder, and by unanimous consent, reference of the resolution (S. C. R. 2) to a committee was dispensed with, and it was taken up for immediate consideration, and adopted.

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

At 2:32 p.m., on motion of Delegate Householder, the House of Delegates recessed until 6:45 p.m.

\* \* \* \* \*

### **Evening Session**

\* \* \* \* \*

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

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, informed the House that a quorum of the Senate had assembled and organized by the election of officers as provided by the Constitution, and was ready to proceed to the business of the session.

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. 1**, Inviting the Governor to address the Legislature and raising a Joint Assembly therefor.

## JOINT ASSEMBLY

The Sergeant-at-Arms announced members of the Board of Public Works; Chief Justice Beth Walker and Justices of the West Virginia Supreme Court of Appeals; United States Senator Shelly Moore Capito; and members of the Senate, who entered the Hall of the House of Delegates and took the seats reserved for them.

The Honorable Craig Blair, President of the Senate took his place to the right of the Speaker.

The Sergeant-at-Arms then announced the special committee to wait upon His Excellency, the Governor, and escort him into the Chamber.

Delegate Storch then announced that, pursuant to the invitation of the Legislature, His Excellency, the Governor, was present for the purpose of addressing the Joint Assembly of the Legislature.

The Committee escorted His Excellency, the Governor, to the Well of the House. (Applause, the members and guests rising in ovation)

The Speaker then presented the Honorable Jim Justice, who addressed the assembly as follows:

\*\*\*\*\*

### Address by the Governor

\*\*\*\*\*

GOVERNOR JUSTICE. Okay, we've got a lot to talk about tonight. The first thing that I want to be sure that we're talking about, right off the get go is just this. I was early getting here tonight. Pretty good stuff. Now, think about this. We're honoring a great man, Bob Kiss. I got to tell you this is, full confession.

Literally, I was at the mansion. The last time I'd seen my speech, Cathy had it, and all of a sudden, I get over here and nobody's got it. And if we hadn't honored Bob Kiss, you would have been sitting

waiting on me a long time. And so literally, it's an honor beyond belief to be with you. And there's so much, so much good going on in this state right now. It's hard. It's hard to get it all in. That's just all there is to it. Now, with all that being said, I've got to do this. I've got to say one thing. You know, Mr. Speaker, and Mr. President, Baby Dog says she's really sorry she couldn't make it tonight. But she's gonna get a tub of popcorn and watch it on TV. But thank you so much in every way.

And I absolutely if I could just say this. It is an incredible day to be a West Virginian. You know, I like to always honor our First Lady, my daughter Jill is with her. And my son and his and our daughter in law. Jay and Catherine. Catherine had a little bit of a blood pressure issue today and, and so they kind of bowed out. But nevertheless, thank you all so much for all you do all the time.

Now, I'm telling y'all, if y'all do all this clapping don't blame it on me how long we'll be here. Really appreciate that and, I've got to tell you just this girl just had us another grandbaby. A beautiful little granddaughter. Yes, not very long ago at all. Probably what, six weeks? Okay. And her husband Adam, who is a wonderful son in law, is now at home with three kids. Nevertheless, you know, a great family and, and just I'm so blessed. As always to just blessed beyond belief

If I could go through my Cabinet and I will go through quickly and hold your applause and then we'll get you to the end. But we have a new Cabinet Secretary for DHHR Dr. Jeff Coben, a new Secretary of Commerce James Bailey, our Secretary of Administration is Mark Scott, our Secretary of Homeland Security is Jeff Sandy, Secretary of Revenue Dave Hardy, our Secretary of Transportation Jimmy Wriston, our Secretary of Veterans Assistance Ted Diaz, our Secretary of Economic Development Mitch Carmichael, the Secretary of Arts, Culture, and History of this great state Randall Reid-Smith, our Secretary of Tourism Chelsea Ruby is not with us

tonight because there's a good chance she's having a baby right as we speak now, but if not, it will be here very, very soon and the other person that is not here with us tonight is Harold Ward our Secretary of DEP and Harold is doing a phenomenal job. Now you can give them a great round of applause.

We have our wonderful, wonderful Supreme Court of Appeals. With us tonight is Chief Justice Beth Walker. Justice John Hutchinson, Justice Haley Bunn, Justice Tim Armstead, and Justice Bill Wooton, thank you so much.

Now our Constitutional Officers, Attorney General Patrick Morrissey, our State Auditor J.B. McCuskey, our Secretary of State Mac Warner, our Commissioner of Agriculture Kent Leonhardt, our State Treasurer Riley Moore, and our State Superintendent of Schools David Roach.

We have, we have a beautiful young lady from our congressional delegation and that is our great Senator Shelley Moore.

Okay, we now have our Adjutant General of the West Virginia National Guard Brigadier General Bill Crane, and I don't know where Bill is wherever he is, you've got to cheer for him. That's our Command Sergeant Major James Jones and he's I think with our General. We have the Chancellor Higher Ed, you know, Sarah Tucker is with us tonight. We have our Commissioner of the Bureau for Senior Services Robert Roswell. Well, I'm gonna, let me get through these. We have our Director of the Herbert Henderson Office of Minority Affairs Jill Upson. And we have our WVU University President Gordon Gee, Marshall President Brad Smith and members of their staff. So now clap for them.

We have our COVID team. You just think about these people. These people literally never really took a dime, hardly. Didn't do anything but work, didn't have a playbook, didn't have anything to go by. And absolutely have guided us in every way imaginable. And a heck of a job they've done. Dr. Clay Marsh,

General Hoyer, doctor Dr. Amjad, now Dr. Christiansen, and our Secretary Crouch and Dr. Coben, please give them a round of applause.

Okay, this is the seventh time I've been here in front of you. I can't, I can't imagine that time can go that quickly. You know, the first year I jumped all around and put things on whiteboards and did everything and I sweated like a dog the entire time. Absolutely. At that time, this state was in tough, tough shape, and you all knew it, and everything. We didn't really know where we're going or where to turn. And today is a bright day. You know, through that time, I would tell you just this I won't be your governor a whole lot longer. But I surely won't go away. You know, in fact, you're probably either be able to find me at home or you may find me in Washington. But one of the two places I'll be, and I'll be, I'll try to watch as best I can and help as best I can. No matter what I'm doing in every single way. I will try to help continue to perpetuate this goodness that we've got going on right this minute.

So, if I could just add just this, if I could give you my best wisdom today and before we get into the nitty gritty of everything else. My best wisdom of the day would be just this: try as best you can to not want anything for yourself. Literally. This is an honor, beyond all comprehension. For every last one of you, do what our forefathers did, and did so admirably. They served, first and foremost they served, please don't put self in front of that. Always try to do what your voters and constituents are asking you to do. At the end of the day, we're here to do their work. We're here to do the people's wishes. Please remember that. And please try as best you can to not get in your own way. If there's ever a time in life right now, ever a time when we could get in our own way, it's right now.

Think about this. I tell people all the time you know we've been in the ag business forever. And I have honestly probably harvested a million acres of corn myself. I probably have planted hundreds of thousands of acres. When did you always, always lose

grain? It's when the harvest was plentiful. That's when you lost grain. When there was almost nothing there and it was a bad year, of drought or whatever, you never lost anything. Because you'd have to get every single grain. When things are wonderful as they are right now, we've got to be careful. And we've got to be prudent. We'll throw a lot of grain on the ground, and we'll never touch it.

You know, I want to tell you just this. You hear me say this all the time. I don't care if you're Republican or Democrat or Independent. Really what I'm really saying is just this, in my heart, I am dad-gum proud that I'm a Republican. But with all that, because I truly believe in very, very conservative values. I watch what's going on on this national scene right now with our President, and what's going on in DC, and for God's sakes, there can't be a rational human that thinks what's going on is right.

There's no way. So, for that, I couldn't be more proud to be a Republican but I would just warn you and just tell you just this. In this great state. There's enough people on the outside wanting to throw rocks at us and they have forever. They beat us down. They've made us feel like "you should know your place." In the race with Mississippi all the time. Who's going to be dead last? And we're not, we're not that now.

Now there's jealousy. Because now, all of a sudden, we're the diamond in the rough they missed. Really be proud of who you are. Be proud that you may be a Republican or a Democrat or an Independent, for God's sake, live and work together and try to help one another for the betterment of all in this great state.

Now, we got lots to talk about and I promise I will go as quickly as I possibly can go. There are so many exciting things. If we reflect back on the past just a second, and we were fair, we would say not many, many years ago we didn't have anywhere to turn. You can say what you want, but I'm a business guy and I got there. And with all of that, you know I can even go back further and further and further. Imagine this and

I'm not casting rocks like I just said I wouldn't do but there was a time, believe it or not, that we cut a ribbon and celebrated a Taco Bell opening in downtown Charleston.

Think about what we're doing today. Think about the stuff that's going on today in this great state. You know, how did all this goodness happen? I believe with all my soul first and foremost it happened because of God above. I believe that with all in me. There's no way that any of us could have been smart enough to have written or written all this down and figured all this out. He wants us to work hard, and He wants us to do our job. But I believe He is guiding this incredible state every single step of the way.

We had to change our image. We had to make simple moves on the board in education. I mean, who in the world came up with the idea of grading our schools A through F? Think about this marketing plan. We're going to put them on a bell curve, and we'll have some "A's" and we're gonna have some "F's" and in the middle, we're gonna have a lot of "C's". So, here's what we can do. We can go out and tell the world "Come to West Virginia, most of our schools are C's." How's that gonna work? We got rid of it. Literally, at the end of the day, we got a lot still to do in education, but we made a commitment to move it to the front and let it be our centerpiece.

Everybody that comes, that wants to come to West Virginia says how are your schools and how are your roads? It's just that simple all the time. We did a Roads to Prosperity program that created jobs and we were awarded and looked after and tried to appreciate our veterans. And then we let tourism explode right behind that. We diversified and we absolutely got on our way.

And then along came COVID and the cannonball hit us right dead in the stomach. And we then could have done what has happened in the past and, really, what those on the outside would have expected us to do, go to 50 again, you maybe had a blip on the screen but go back to 50th again.

We didn't do it, did we? We've dug in and shown exactly what our mettle is all about. And lo and behold, here we go. Now, I would say with all in me "Who would have thunk it?" Who would have ever thunk it?

Today in West Virginia, you'd have some processes that are so large, it's unbelievable. You would have Fortune 500, Fortune 100, whatever, companies that are coming to West Virginia, over and over and over. The roads are getting repaired everywhere. We're working on the water and sewer projects as fast as we possibly can. And they and we are that diamond. Now, get this, in 2022 alone, just think about this. We had 29 companies invest \$6.19 billion in West Virginia. Now, absolutely get this. They brought us 3,300 new jobs and preserved 3,100 jobs. You know they gave us the opportunity to compete on a world stage. It is unbelievable the value of what we did and putting money aside in this impact development projects to bring more and more folks here. I'm gonna read a list of folks and I want you to stand please and let's absolutely let this great body absolutely cheer and honor you.

Tonight, I am creating a different, you know we have a Distinguished West Virginian. But I don't know that we really have anything that is as honorable as a Distinguished West Virginian for our businesses. Tonight, I am creating the Business Knights of West Virginia. And what I want to do is let these great folks when I read their names be our first inductees. Then I'll reveal the name of a couple more folks that are coming to West Virginia. And then you know what I want to do? I want to go back and every single business in this state that contributes and helps in any way, I want them to, everyone be one of Business Knights of this state and we will send them a certificate they put it up on their wall. And then I'm going to ask of them one thing — is just as simple as this. I'm going to ask them to help all of us to absolutely perpetuate this great, great, great message of West Virginia.

Absolutely our new business knights and tonight our first inductees that I'm gonna go through you know



from Berkshire Hathaway, Alicia Knapp, and if she can stand, I'm going to read through all of them and then we're gonna clap for Alicia and all y'all. From Precision Castparts, Steve Wright, from Hope Gas, Morgan O'Brien, from FORM Energy, Mateo Jamarillo, from Mountaintop Beverage, Jeff Sokal, from Omnis, Richard Kingan, from Veloxint, Brian Joseph, from Pure Watercraft, Dennis Frioni. From Commercial Metals, I don't have, I don't have the name from Commercial Metals, from Papier-Mettler, and there's not a representative from them, and from Klöckner, and there's not a representative from them. But if you could join me, just think, just think, when every single bit of this absolutely is done, think what you have done. Think what you have created. Forevermore you have created our grandchildren's jobs. That's what you have done. You have created the fact that over and over and over Edith and Toby wanted to have a picnic and they want their grandkids to be here. And they're in Charlotte or Denver or Atlanta and now, now they're going to be in West Virginia. So please thank y'all so much. Thank you so, so much.

Well, just in the last little while, two more have come. TCL, which are based in India and is a chemical plant within Covestro plant that's in Marshall County. They're going to spend \$150 million and create 50 jobs, making any ingredients that are found in food. The TCL Chairman, another new Knight of West Virginia, is with us right now. It's Mr. Parthasarthy, if you can really give him a great round of applause.

CMI2 is with us tonight. You know I don't know if it's CM One Two or CMI2. But CMI2, tonight I'm proud to announce that the Civil Military Innovation Institute, CMI2, based in Morgantown has stood up as a one-of-a-kind military capability that is coming and operating and going to operate in Clay County. It is un-flat-believable what they're going to provide, 50 jobs. CMI2 has been awarded \$100 million in a new contract from the defense people and literally they're promising more and more and more to come. And, and

boy Zenovy Wowczuk is with us tonight. And if you could stand, please.

You know, there's been, there's been an awful lot. People never would have believed that West Virginia could have diversified. People never would have believed that you know, really a coal guy would welcome with open arms, you know, alternative sources or alternative energies. I'm a real believer. I'm a real believer that West Virginia needs to welcome all. There's been many green and niche components to this admission initiative, but I want you to remember just one thing, and I know you will forevermore. Our coal, oil and gas folks today are supplying to West Virginia in this year or in years past, \$891 million of severance income to this great state. They get up every day and get their dinner bucket and go. People are in 7000 feet underground and 32 inches of coal and can't sit up all day long.

And they do it for their families. And they do it for this nation. They do it for this great state and they do it for all of us. Never, never will I, and never should you ever forget the great work that the coal miners have done, the great work the gas workers do, and the oil workers in this great state. Never turn your back on the greatness of our natural resources. Thank you so much.

We will kind of keep moving here, okay? In regard to our budget, we again are going to have a budget presented by me that is relatively flat. You see, I don't believe in using the rainy-day fund to bail me out. I want to mind the store. Absolutely. I want to do with Right. Absolutely. From the business guys' standpoint.

You know, we have funded projects out of surplus, one-time projects, we have not built base hardly at all. We have really looked after the store and we expect, and we should, return on investment. With all that being said. Absolutely. Before I go further, I want to just say just this, but our retirees, we've gotten a lot of them, we haven't really necessarily forgotten them, but today with inflation with what it's at,

imagine this. What I am proposing, two things, but for folks over 70 years of age that worked for us for 25 years, we have a minimum salary that would that they'll receive of \$1,000 really and truly, surely not much of nothing. And at the end of the day, I want to do a one-time bonus payment to them for \$1,500. And I want you to work as hard as you can knowing that whatever you come up with, I'll be right. But many, many times we get running really, really fast. And we forget to please honor and help that wisdom.

Now, from the start, from the standpoint, I promised along the way, I promised, you know, that I would send a bill up in regard to the elimination of your car tax. You know, I said to Bill, I've done exactly what I promised, you know that I would just just, you gotta listen to me on this one. There's lots and lots and lots of things we can do. That if we want at this moment in time to grow the state of West Virginia, we're going to have to aggressively look at our personal income tax. It is an opportunity right now. Like none of us could ever imagine. This thing, we have the opportunity to do something that is monumental right at this moment.

Now with all that being said, all you gotta do is look at the publications, no matter what they may be, and they will all tell you the states that are on a pathway to getting rid of their personal income tax or really aggressively doing something, those states are winning the day. You got to know that you have to know that. A lot of people will say "well, we don't have an ocean." You know, but we don't fry eggs on the street in the summertime. Literally we have been blessed with the four greatest seasons on the planet. Forever, the very best people who have the greatest location or within a rock throw two thirds of the population in this country. We abound in natural resources like crazy and all I would say to you, and I know I will get in trouble saying this, who in the world wants to move to South Dakota? I mean, literally just a few days ago when it got as cold as it was here. If you'd had been in South Dakota, you'd have been a

South Dakota-sickle. You would. So, at the end of the day, just think how we're positioned.

You know, we're positioned in the absolute sweetest spot that we could possibly be. Now way up in the back you've got our Senate President, President Blair, and you've got our Speaker of the House, Speaker Hanshaw. And I've listened to them. I really have. They have said over and over and over that what we need to do in regard to the PIT is they wanted to think, either don't do it or make a big splash. That's all there is to it. Either don't do it or make a big splash. So here comes me, cannonballing into the pool.

By God, I'll make a big splash I'll promise you that.

But tonight, I'm proposing our West Virginia tsunami that the world will hear in every single way. They'll hear from every rooftop in every way. A tsunami that does nothing but benefit all everyone. Tonight, I am proposing the biggest tax cut in the history of this state. I'm proposing a 50% reduction in our PIT across the board now.

This thing, just saying if we do this, it will take us three years to pull it off. But absolutely it is that aggressive pathway that will absolutely put unbelievable monies right back into all of our pockets. With all that being said, just think of this, for God's sakes, and just think of just this. Right off the get-go, 30% The first year 10% The next year 10% The next year and then and then we step back and just see, with all that being said, think of how much if I were to walk into you and say I'm going to put a billion dollars back into our economy tomorrow and the people spend it. What will be the multiplier effect will be six times or 10 times tomorrow? You will become your own stimulus package with zero growth. Now has to be absolutely the word weighing all across the world and people will come. People really come. I have listened to the Senate. I have listened to the House.

And absolutely now, I hope and pray that we will move and move quickly to just show the people just

how serious we are in West Virginia. And the fact that they, they have pulled the rope with us forever and ever and ever. You just think of the decades when they were in that race with Mississippi. And literally those folks absolutely today are hurting at the grocery store. Or the gas pump or whatever it may be. And we need to step up and help our folks and literally get on a pathway of doing something that's unflappable. There's other business and there's other I budget items that I need to talk to you about.

Like I said, there's a bunch of this and I'm gonna go as quickly as I can but it is great stuff. You know, our hospitals are the lifeblood of all of our communities are they not? And literally like it or not like it but you know when they take a PEIA patient in and everything a lot of times it becomes a burden rather than a plus. We need to help them out. And so tonight, you know, I'm wanting us to put \$40 million into an adjustment for the local hospitals and absolutely help them in every way.

On top of all that, we have a school aid formula increase of \$35 million that I want to put in, and I can say this for the first time, forevermore, we are beginning, we're beginning to absolutely grow enrollment. The school aid the school aid situation is really designed for first grade aids to first grade teachers. And I think the exact amount is probably \$37 million. And we'll start there.

We need our kids to be better educated. There's no question whatsoever about that. Absolute, you know, our Speaker, you know, because he campaigned this effort and he thought his effort was really good. And so, do I.

The other thing I want to do is just this all of us in here, I mean, all of us can leave here and go to Wendy's and hang out. We can. Baby Dog would love that.

And, and absolutely, but if you'll just step back and just think about it, the one thing that we should absolutely do, especially with us doing how well we're

doing right now is put a stake in the sand to some way say we're going to stop hunger in West Virginia.

We need to do it.

I gotta tell you this, and I want I want to offer up for us to do the million dollars again to our big food banks. But I want to do one step more. Absolutely right behind that. There was a fellow that was my uncle. And I never would have thought of this in a million years, but I just did the other day. He was 94 years old and died about six months ago, maybe eight months ago now. I did the eulogy. At the funeral. He was one of 10 kids on my mom's side. At one time. Of course, they never had indoor plumbing at my grandparents' house that I went to every time. His name was Posey Perry.

And literally he was such an unassuming guy, a Christian beyond belief. That's all there is to it. Though most people looked up to Posey Perry, well he died. You know what he did, he worked in the coal mines his whole life. And then when he retired from the coal mines, he went to the food bank nearly every single solitary day.

I want us to set aside \$10 million in the Posey Perry Emergency Food Bank fund for all of our pantries or whomever it may be, can draw on that. And if at the end of the year we ended up with \$4 million, next year we'll put six. If we drain it, the next year I would propose we put back 10. Absolutely. That's what we need to do. We need to try with all in us to say, by God we're not going to have hungry people in West Virginia today.

I'm proposing with our ARPA dollars that have been sitting there a long time. I'm proposing with those dollars that are a total of \$677 million that we do with those dollars two things. We put \$500 million of those dollars aside for the economic enhancement or impact fund. We have now, and you see fruits, you see them. I mean we've now gotten to the place in time in West Virginia where we're competing. We're competing with others.

You see we could never do it before, could we? We couldn't ever, ever do it. But now we can compete. And now they want to come. And now we've got it going and those ARPA dollars to me, \$500 million goes there. \$177 million goes into a fund that Ann Urling has done marvelous work with all the water and sewer projects, and we keep them going on and on and on. That's my proposal in regard to that.

In regard to education, you know, like I said, we surely got rid of unnecessary testing and grades A through A through F stuff and all that. We now have programs that are out there like you know, grow your own pathway and we're making some inroads here and there.

There's a lot of good stuff going on in the classrooms. But absolutely, without any question we need to do one thing for absolute certain. We must ensure that schools have the responsibility to the students and the parents and not to a bunch of special interest groups. I believe that with all my soul. All of our parents deserve to know exactly what's going on in a classroom. Without any question, our parents have always known what the best is for their kids.

Tonight, I am proposing a bill to direct school systems to make all curriculum taught be available online where we can see every single thing that's being put into our little kids' heads.

We have to make our schools safer, don't we?

We've got school safety officer programs and everything and we're trying. We got to absolutely step up in any and every way we possibly can to try to absolutely be vigilant in every way. A tragedy like we've seen many, many times across this country could happen tomorrow in West Virginia. But absolutely with all in us, we have done everything that I know we can do. But we still need to do much more. To ensure that, absolutely, our kids when they come to school, they feel safe, and they feel happy.

Absolutely to keep competing and to keep working on all of this. I am absolutely proposing also for the fourth time. Now many of you may think, well gosh, why do we need to keep doing this and everything.

But really when it really boils down to it. We've got to be able to compete. I am proposing for the fourth time, a 5% pay raise to every one of our state workers. We can afford to do this. And absolutely I think it gives us the opportunity to attract better and better and better.

At the same time our PEIA fund is going to get upside down and get upside down really quick. I want to put \$100 million back into our PEIA fund and give every state worker a 5% pay raise.

Let me tell you about HOPE Scholarship, just one second. HOPE Scholarship and thank you guys, thank you guys for standing up for HOPE Scholarship. HOPE Scholarship gives choice. We should have choice. There's no question we should have choice. And as it continues to grow, why in the world do we need to hit these brick walls? You know what I want to do is bucket \$15 million for the thousands of families that can absolutely select choice and take advantage of the HOPE Scholarship.

I want to put \$75 million in higher ed to work on deferred maintenance. We've let it go too long. A building is about to fall down. Many many, many situations we've got to do something to help there.

A bunch of you, the majority undoubtedly here, a bunch of you as I we're so thankful by the reversal of how Roe v Wade was overturned.

I promised you and you did your job. You did your job. You absolutely vetted and took your time. You absolutely finally brought me a bill I promised you. I promised you the very second you brought me a bill I'd sign it. I did exactly that. And I did that very proudly. And I would tell you and I don't tell you this to grandstand, because I don't believe in that in any



way. As long as I'm your governor, I will stand with life, period.

Additionally, I'm proposing that we take care of the moms.

This could very well expand. But I am proposing \$1 million is going to go into the child pregnancy centers to make things better, and make things safer, and will help us in many ways there as well.

Ok, you know we came up with the nursing program, the Governor's Nursing Workforce Expansion Initiative. We put \$48 million in it.

At one point in time during the COVID situation we had 2,000 beds in this state that we couldn't staff. Think about it, 2,000 beds we couldn't staff.

Probably we lost a bunch of people because of it. We had to do something. We started this initiative and it absolutely knocked it out of the park. It is absolutely amazing what's going on.

And we're absolutely on the threshold of being able to pump out nurses and bring so much more goodness to West Virginia it's unbelievable.

I'll be asking you that we take an additional \$20 million to keep this super program really going. And a special, special thanks to all the schools that are making all that happen. Thank you so much.

The EMS situation is the same thing. We put \$10 million, actually \$11 million dollars in it. We were, we were struggling like crazy to find an EMS. We couldn't find anybody to go to work.

Think about this story. And I'll read this very quickly. This is a story from a fella and his name is Darrin Crosier. He works in the Kanawha County EMT. Now think about it he says, I'm so thankful to be a part of something like this. To see tax dollars for the betterment of West Virginians. We do this because we love West Virginia, and we love our communities.

This training has helped me in so many ways. He gave me a career and great health benefits for myself, my wife and my three children. This has been very rewarding, and it taught me that I could learn again.

Unbelievable.

Really and truly, I am proposing that we put \$10 million into this fund and keep this thing going.

We have two wonderful people with us. We have our teacher of the year and our service personnel of the year Amber Nichols and Jessica Grose. They're here with us and where are they? Way to go!

They are from Eastwood Elementary in Morgantown and Hodgesville Elementary in Upshur County.

I gotta say something about this little lady sitting over here. Our First Lady started Communities in Schools. We started really in three counties: Berkeley, McDowell, Wyoming counties. It started out in nine schools and had 4,000 kids. Think about it. Today, they're in 38 counties, 208 schools and they are touching 91,000 kids.

Now, I'm telling you this and then you could believe it or not believe it. I don't blow smoke at anybody. Not at my daughter, not at my wife, not at you, not at anybody. I don't have time to do it. All I know to do is tell the truth as best I can possibly do it. I'm in the schools a lot. And I'm in the schools a lot. I coach and I'm proud of it.

I've been in the schools forevermore, and I'm telling you, and you can say what you want. I've never seen a program that works any better. It is unbelievable. You know, I want to read this just very quickly but a 17-year-old from Wheeling Park. This is her first year, you know. This is the first year of the program in Ohio County. The site coordinator noticed some irregular type things going on with this kid. Found out this kid was taking care of her granddad, a veteran. Literally, they got involved from the, from

the community side. This is exactly what Communities in Schools does. They got involved and they were able to get the veteran benefits and they were able to help the kid and the kid is doing really, really, really, really well.

One other thing they have done is they absolutely started this initiative with therapy dogs. I gotta tell you this. Tonight, there's a lady with us, her name is Sarah Linger. She is the site coordinator for Lewis County High School. She has with her one of the therapy dogs and Baby Dog is majorly jealous right now. Sarah if you would stand.

Let me just read this to you for just one second.

Jasper does an outstanding job with students and with their emotions. He goes on to say once a student was very worked up and struggling. After spending a few minutes with Jasper, and we all know that dogs will do this. Absolutely, the student calmed down and the student is doing better every day in school. Now, get this. At Pineville Elementary School, there's a dog there and its name is River. There is a student there that is severely handicapped and for all practical purposes non-verbal.

Now, think about it.

And for most of this I'm gonna have to go real slow, because I'll get big tears in my eyes about this because, honest to Pete, I love kids.

When asked, "How did you like River?" The student that was partially, or for all practical purposes nonverbal. The student exclaimed, "Best day ever!"

Cathy, thanks and all I can say is just keep it up.

We got lots and lots and lots more dogs that are growing. And, you know these dogs are expensive and everything. But there's lots of good stuff.

We want all 55 counties. And I think Cathy is on a pathway that's gonna happen and happen really soon, probably within this year. So, lots of good stuff there.

Let me jump to something that you know I've talked about before and its drugs.

We all know. It can cannibalize us. We have made a lot of inroads. But we absolutely know we still have lots to do. I can't say this anymore bluntly, because I don't know how to say it.

If you look at what's going on at our Southern border of this country, and you just think, you just think why are we tolerating this? Why in the world are we continuing to allow drugs to flow all across this great country? And thousands and thousands and thousands die.

Why are we doing that? I just plain don't get it.

But in West Virginia, just the other day, we had you know through Homeland Security or some other agency, I don't know exactly what it was. They seized some fentanyl and that, just that small amount, it was like six ounces. It would have been enough for a lethal dose for 90,000 people in West Virginia.

I don't know why in the world we continue on. It's a big problem.

We should absolutely continue to support and help and to try to help in every way our programs like Jobs and Hope or whatever it may be. That we should absolutely know we've got to all be in this.

Every last one of us has been touched by a terrible situation with drugs.

It hurts our state. It hurts our employment. It hurts us in every way. And I wish to God above we had some real live help, you know, from DC, in regard to this.

In regard to corrections, you know, we have many, many vacancies.

You know, last the last go round you came really close on locality pay.

Some of our bordering counties we have a 70% vacancy.

You got to address that. Please address the locality pay. Because we have absolutely, we have an obligation to take care of our prisoners. And we're going to awaken to something not very good there if we don't watch out.

DHHR, a hot button right now. That's all there is to it. You know you asked me to make it better. And absolutely I have brought in a team like you can't imagine. I can go into all kinds of specifics with you tonight.

But I can tell you, if you believe in what we did in COVID with Dr. Marsh and General Hoyer and literally now Dr. Coben. If you believe that, there's lots that we got to do, I want to listen to every one of your ideas. I want them to listen to your ideas. We all can do one thing. If we will do it. We can make it better. It didn't get in this mess over the last couple of years. This is a culmination of a problem that's been there many, many, many, many decades.

We can make it better. We need to listen to your ideas. You need to listen to ours. You need to absolutely bounce ideas off of Dr. Marsh and General Hoyer and Jeff Coben. Absolutely, I am as open minded as one could ever be. I've got to tell you this though. Welch Hospital in McDowell County.

And many of you probably have never been to Welch Hospital. I've been there many times. Welch Hospital is kind of in an area of the world that got left way, way, way behind. If I'm right about this McDowell County at one time had about 110,000 people in it. And now they got less than 10,000.

That hospital and everything has surely been tough going for everybody. That's all there is to it. It's been a drain on the state. It's been a drain on the county. It's been a drain in many, many directions.

Through the great work, again, of Clay Marsh, General Hoyer, Jeff Coben. They have now today, today. The McDowell County Commission took over the Welch Hospital and WVU is going to take over the Welch Hospital and bring to the coalfields down there absolutely a shining light. We got it off our backs and this is an absolute accomplishment by those guys. That could not have happened without those guys. Please give them a big round of applause because they've worked really hard.

Let me tell you this. We have with us tonight one of our CPS workers. Her name is Aimee Stevens.

Aimee's been with DHHR for eight years now. You got a story that's really neat. She walked in. She was a single mom. Walked into DHHR probably to sign up for benefits and found out the people that she was working with there, she liked them, and everything was all good. And lo and behold, one thing led to another, and then all of a sudden, she got off in trying to branch out into a new career of Social Work. She became one of our CPS workers.

And she's been at it for eight years. And Jeff Pack who was right with you not many years ago, oversees that for us. And Jeff reports that she is outstanding, beyond belief. So, where's Aimee, if she's here with us if she is staying? Right there she is. Please give her a great round of applause.

Okay, we've still got lots to do. There's no question whatsoever. These are just isolated things and there's so much to do. Please remember what I said about the wisdom. Remember what I said about respect, literally, let's work together with all of our ideas, and we'll solve it. We'll solve it or we'll make it a heck of a lot better.

Now, I would say just this. In this state we've got plus or minus 1,000 foster kids don't we. And a bunch of them don't have a home. We can go to Wendy's. And, absolutely Baby Dog can too. And we've got surpluses that are off the chart.

I'm challenging you right now. Find a way. Find a way to incentivize families to give these children a chance. A chance. They need it literally. I tell people all the time.

If you're not doing this, you should. Take time to get involved in some way in trying to help a kid.

The giver is always the winner. You will not believe what it will do in transforming your life.

These people need us, especially these wonderful kids.

Now if I could switch real quickly, to just this, our National Guard. Think about this. 250 in 2022 were overseas. 550 worked in the COVID response. 350 worked at 30 different hospitals. 300 worked in corrections for God's sakes a living they were even fighting fires. And then of all things they took helicopters when Andy Beshear called me and said, "Will you come and help?" I said you're dadgum right we'll come. We'll bring the best of the best and they went there and saved people's lives and there's terrible floods in Kentucky.

Please give our great National Guard an incredible round of applause.

I'm gonna get you up again right now. I'm sorry, but not really.

Our veterans. And you just think what they've given us. And we lost an absolute American hero beyond belief. Not long ago in Woody Williams, for those of you who didn't have the opportunity to be with him, you really missed something. He was un-flat believable. That's all there is to it.

He could have sat here right here tonight and delivered this ten times better than I could.

Absolutely. Somebody that believed in his heart. No, the Medal of Honor recipient. Absolutely somebody that believed in his heart to continue to do more and more and more for our Gold Star Families. And it continues on right now.

And tonight, Tracy Ross, what his daughter and Bryan Casey, Woody's grandson are with us and I don't know where they are either. Please, American hero, a hero beyond belief,

Okay, we're starting a program with not too much money. I think \$500,000 and we'll start with 100 and see where it takes us.

We're starting a program called Welcome Home program. We're gonna have a \$5,000 incentive to any veteran that wants to move back into West Virginia.

Really, with what all is going on right now. If we can get this VIP thing done, we're going to get every veteran that wants to come. And we will get veterans beyond belief and take absolutely their expertise and knowledge and make us all better.

So, this program is absolutely that I am proposing that we do this program one time and see what the results are. And then I hope and pray that we'll be able to expand it. When you stand this time, stretch just a little bit, because this is the seventh inning and I'm winding down.

Delegate Hornbuckle came to me the other day and Dr. Allan Letton. They want to do something at Marshall University and again, the size of the magnitude of this compared to all that's going on. Surely, we've got to step up in the African American community and try to help what in the world is wrong with us to not step up? They want a million dollars to go to Marshall University to be able to start the Center for Economic and Community Development in the African American community of Appalachia.



I don't, I don't know if they are with us. Well, I know Sean is somewhere, but nevertheless, Sean, if you'd stand, we'll give you a great big round of applause

Now. I gotta talk just about tourism and roads for just a second.

I mean, literally, whatever money you have. I don't care what it is. Put it in tourism.

It doesn't matter what it is. Whatever money you got, put it in tourism. You will instantaneously get a return on that money like you can't imagine that's all there is to it. It's happening everywhere all around us. Imagine these numbers. Imagine them. Last year travelers in West Virginia spent \$5 billion. \$5 billion travel guides all over the place. They're saying come to West Virginia. There's so much goodness going on in our parks and everywhere else under the sun. I could go on forever and ever in a day. You know, we spent \$150 million upgrading our parks and you can't even get a place in our park because we're all sold out for all practical purposes.

Shows all they make the world see just how good we really are. You remember, back in the beginning I told you about image. It is so, so important.

Literally we know how good we are. But the world didn't know.

And they absolutely know now. They're getting it.

I want to talk just a second about roads.

Imagine this in 2022. We did 115,745 miles of work.

Think about that. Think about it. In the last four years we've done 364,500 miles of work in West Virginia.

Roads got in really bad shape.

You say what you want but not very many years back. I said for God's sakes a livin and we can't even go to the convenience store because we tear a car all the pieces go into the convenience store. And today is saying the Nitro World War One Memorial Bridge is on its way. The Beckley Bluestone travel plazas are underway. All the Wheeling bridges are for all practical purposes done. The streets in Wheeling are getting done. The Coalfield Expressway is making unbelievable inroads. Corridor H is absolutely on a path to be done.

In many, many, many, many more.

There's lots and lots and lots of goodness in many places.

There's a fund to IJJA. I commend Harold Board and Jimmy Wriston for tapping into this. Harold did something that was first in the nation, to deploy the IJJA funding for oil and gas plug in 25 million and abandoned mine lands for 145 million. Harold is not with us tonight. But you can give him a big round of applause too.

Jimmy is watching after this and taking full advantage of the infrastructure investment and jobs act and there will be billions, billions of dollars flowing into West Virginia.

Now we're on the homestretch now. You won't have to listen to me very much longer.

The pandemic was really tough, wasn't it? No playbook. Through all that, and everything. Our labs and I'm hoping and praying that we do this because no governor should face this again.

Our labs have been on a burner but then shoved to the back burner and shoved to the back burner and shoved to the back burner over and over. Big ticket item. Very, very big-ticket item.

If there's ever a time that we can build a new consolidated lab and bring them all under one roof, and

absolutely move into the century that we should be instead of the dark ages, we can do it now.

I'll never forget Vernon Criss. Just the other day he told me, he said, you know, our labs, in many ways reminded him of having two Dixie Cups and a string, to be able to communicate. Absolutely our labs can get us in a lot, a lot, a lot of trouble, and we need great labs to be able to respond.

The price tag to put them all together. And that's the state police forensic crime units. The Department of Agriculture, DHHR, the Office of the Chief Medical Examiner, DEP and Weights and Measures, the price tag, from what I know is \$250 million.

I'm proposing that we quit kicking this down the road and put \$125 million in this year \$125 million next year out of surplus and get it done.

From a standpoint of broadband, I want to just tell you just this, we announced a billion-dollar program with the Senate with the House with all of y'all.

The billion-dollar program on broadband wanted to test 200,000 homes and new businesses for businesses rather I'm proud to announce now we spent \$548 million dollars of that total investment so far, where we're halfway home. I know there's many, many, many, many of those dollars are still hooking up people and everything because they're not done. But absolutely I do believe by the time that I leave. We will have absolutely passed the billion dollars and that's good stuff.

Now, I'm gonna end with you on just this note. I am going to end with you that your responsibilities and my responsibility is a daunting task. There's no question. I mean it when I tell you I love you with all my heart.

Now I'll argue with you, but I'll be respectful to you in any way and in every way I possibly can be.

You have not only a daunting task, but you have a daunting opportunity right now, like nobody's business.

You got to listen, and you listen to me. You got to trust me on this.

The one thing I've done is I've run many, many, many businesses. I have created thousands and thousands of jobs. I can tell you opportunity flashes in your face. And if you don't grab it, that door closes. It's just as simple as that.

I would always remember without any doubt, you're here for Toby and Edith. You are. All of you are I am. In every way. You're here for our children. You're here for our seniors. You're here for our new and old residents and our new and old businesses as well.

You are here for all the generations to come. I mean this so profoundly I couldn't possibly say it any better than just this.

God bless each and every one of you for all you do, you give. You're away from your families. You're here 60 days. You work all the time. What you're compensated is next to nothing, for what you give.

And you should be loved, and you should be appreciated for it.

I would say an ending for all of us. God bless this incredible State of West Virginia. It is so wonderful. It is off the chart. And God bless this incredible country.

Thank you so much for having me. And God bless all of you.

Thank you. (APPLAUSE)

\* \* \* \* \*

The committee to wait upon His Excellency, the Governor then escorted the Governor from the Chamber.

The business of the Joint assembly having been completed, the Speaker declared the Joint Assembly dissolved.

The Sergeant-at-Arms escorted the invited guests from the Chamber.

The members of the Senate retired from the Chamber.

The Speaker then called the House of Delegates to order and laid the following communication from His Excellency, the Governor before the House:

State of West Virginia  
OFFICE OF THE GOVERNOR  
Charleston, WV 25305

January 11, 2023

EXECUTIVE MESSAGE NO. 1  
FIRST REGULAR SESSION  
The Honorable Roger Hanshaw, Speaker  
West Virginia House of Delegates  
State Capitol  
Charleston, West Virginia 25305

Dear Speaker Hanshaw:

I herewith submit, pursuant to the Constitution of the State of West Virginia, a budget and budget bill for the fiscal year beginning July 1, 2023.

Sincerely,

Jim Justice  
*Governor*

Whereupon,

In compliance with Subdivision (4), Subsection B, Section 51, Article VI of the Constitution, the Speaker introduced the following bill, which was read by its title and referred to the Committee on Finance:

**By Mr. Speaker, Mr. Hanshaw, and Delegate Skaff:**

**H. B. 2024** – “A Bill making appropriations of public money out of the Treasury in accordance with Section 51, Article VI of the Constitution.”

### **Miscellaneous Business**

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

**H. B. 2188:** Delegates Kirby and Summers

At 8:26 p.m., on motion of Delegate Householder, the House of Delegates adjourned until 11:00 a.m., Thursday, January 12, 2023.

---

Thursday, January 12, 2023

## SECOND 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.

Mr. Speaker, Mr. Hanshaw announced that Delegate McGeehan, who was absent yesterday, had taken the oath of office. The Delegate was sworn in earlier on this morning.

The Clerk proceeded to read the Journal of Wednesday, January 11, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

### Resolutions Introduced

Delegates Cooper, Longanacre, Anderson, Heckert, Reynolds, Sheedy and Smith offered the following resolution, which was referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 2** – “Requesting the Division of Highways name bridge number 32-023/03-000.17 (32A097), locally known as Cooks Fort Bridge, carrying CR 23/3 over Indian Creek in Monroe County, the ‘U. S. Army CPL Billy F. Mann Memorial Bridge’.”

Delegate Westfall offered the following resolution, which was referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 3** – “Requesting the Division of Highways name bridge number 18-028/00-000.6, (18A114) locally known as Frozen Camp Road Bridge carrying Frozen Camp Road over Little

Mill Creek in Jackson County, the ‘U. S. Army Lieutenant Oscar J. Harris Memorial Bridge’.”

Delegates Reynolds, Cooper, Sheedy, Zatezalo, Miller, Horst, Jeffries, Willis, W. Hall, Nestor and Kelly offered the following resolution, which was referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 4** – “Requesting the Division of Highways name bridge number 26-054/00-005.74 (26A046), (39.88578, - 80.72476) locally known as Ireland Bridge, carrying CR 54 over Big Grave Creek in Marshall County the ‘U.S. Army MSG Jon D. Wayt Memorial Bridge’.”

### **Bills Introduced**

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

**By Delegates Householder, Gearheart, Vance, Hardy, Criss, Marple, Linville, Anderson, Zatezalo, Phillips and Warner:**

**H. B. 2001** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-4g; to amend and reenact §11B-2-20 of said code; and to amend said code by adding thereto a new section, designated §11B-2-33, all relating to reducing personal income tax rates generally; reducing rates by certain amounts after December 31, 2023; creating stabilization and future economic reform fund from which expenditures may be made only upon appropriation of the Legislature and solely for the purpose of reducing the rates of personal income tax in accordance with this and future Acts of the Legislature; and directing the secretary of revenue to annually cause to be deposited into the stabilization and future economic reform fund the first 50 percent of all surplus revenues, if any, determined to have accrued during the fiscal year just ended instead of directing the secretary of revenue to annually of causing those surplus revenues to be deposited into the revenue shortfall reserve fund”; to the Committee on Finance.



**By Delegates Jeffries, Storch, Hott, Kelly, Dillon, Pinson, Heckert, Street, Lucas, Miller and Bridges:**

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

**By Delegates Hanshaw (Mr. Speaker), Jennings, Petitto, Tully, Hanna, Kirby, Ellington, Foggin, Capito, Hornby and Cooper:**

**H. B. 2003** - "A Bill to amend and reenact §18-2E-10 of the Code of West Virginia, 1931, as amended, to amend and reenact §18-5-18a of said code; to amend and reenact §18-9A-5 of said code; and to amend said code by adding thereto a new section, designated §18A-5-9; all relating to providing early childhood assistant teachers and systems of support for grade level literacy and numeracy by end of third grade; making findings; replacing transformative intervention framework with multi-tiered system of support; addressing both reading and mathematics; requiring identification and monitoring of student progress; requiring use of screening and/or benchmark assessments, providing for assessment system and requiring state board adoption and establishment of cut scores; providing for services to be provided to students exhibiting substantial deficiency; specifying minimum information and notice to parent or guardian; providing for professional learning for certain teachers and assistant teachers and specifying subjects; ensuring certain training and instruction be provided by education preparation programs that prepare candidates seeking licensure for

elementary education; authorizing extended year attendance requirement as condition for promotion if certain conditions are met; providing for data from the screening and /or benchmark assessments to be used to inform classroom teacher's recommendation regarding grade level retention; requiring county board implementation; requiring reports by state board; requiring certain legislative appropriation and other funds be used for implementation; requiring retention in third grade of public school student who demonstrate minimal grade level understanding and ability upon recommendation of teacher and student assistance team; providing exceptions; requiring students starting in the fourth grade who score below proficient in English language arts or mathematics on general summative assessment to continue to be provided intervention until grade level proficient; requiring early childhood classroom assistant teacher in certain grade levels and enrollment levels in said grade levels; removing outdated provisions; increasing ratios of service personnel per student net enrollment in state basic foundation program; requiring early childhood classroom assistant teachers exercise authority and control over students in certain instances and within certain limits; prohibiting assignment of noninstructional duties to early childhood classroom assistant teacher in excess of contractual requirements unless mutually agreed upon; and requiring in-service training for early childhood classroom assistant teachers on responsibilities and appropriate measures for exercising authority and control over students"; to the Committee on Education then Finance.

**By Delegates Phillips, Kimble, Nestor, Cannon, Holstein, Willis, Espinosa, Miller, A. Hall, Sheedy and Martin:**

**H. B. 2004** - "A Bill to amend and reenact §31A-2A-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §31A-2B-1; §31A-2B-2, §31A-2B-3, §31A-2B-4, §31A-2B-5, §31A-2B-6, §31A-2B-7, §31A-2B-8, §31A-2B-9, and §31A-2B-10, all relating generally to payment card transactions involving firearm and ammunition retailers; clarifying that financial records may not be disclosed or compelled to be disclosed in a manner that discriminates against certain constitutionally protected activity;

providing a short title; setting forth legislative findings and intent; defining terms; prohibiting disclosure of protected financial information except in limited circumstances; allowing for written authorization for disclosure of protected financial information; establishing requirements for subpoenas of protected financial information; prohibiting use of protected financial information for certain discriminatory conduct; providing civil remedies for violation of new article with liquidated or compensatory damages; allowing an aggrieved party in a civil action to recover attorney's fees and injunctive relief for violations; limiting defenses available to civil remedies; establishing a statute of limitations for civil remedies; providing that civil remedies are exclusive for violations; authorizing the State Treasurer to disqualify financial institutions from certain state contracts if violations have occurred; establishing the scope of new requirements; and providing a severability clause"; to the Committee on the Judiciary.

**By Delegates Worrell, Ellington, Smith, Clark, Dean, Barnhart, Statler, Fehrenbacher, Riley, Dittman and Hillenbrand:**

**H. B. 2005** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-14-4, establishing the dual enrollment pilot program to be administered by the Higher Education Policy Commission and the Council for Community and Technical College Education in conjunction with the State Board of Education"; to the Committee on Workforce Development then Education.

**By Delegates Summers, Toney, Pinson, Gearheart, Mallow, W. Hall, Rohrbach, Hite, Honaker, Lucas and Westfall:**

**H. B. 2006** - "A Bill to amend and reenact §5F-1-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §5F-2-1 and §5F-2-2 of said code; to amend and reenact §6-7-2a of said code; to repeal §9-1-1 of said code; to amend and reenact §9-1-2 of said code; to amend and reenact §9-2-1 of said code; to repeal §9-2-1a of said code; to amend and reenact §9-2-2, §9-2-5, and §9-2-6, of said code; to repeal §9-2-9 of said code; to amend and reenact §9-2-13 of said code; to amend said code by adding thereto a new section designated, §9-2-14; to amend and reenact §16-1-2,

§16-1-3, §16-1-4, and §16-1-6; to amend said code by adding thereto a new section designated, §16-1-22; to amend and reenact §26-1-1, §26-1-2, and §26-1-3; to amend said code by adding thereto a new section, designated §26-1-4; to repeal §26-3-1, §26-3-2, §26-3-3, §26-3-4 and §26-3-5 of said code; to repeal §26-5A-5a of said code; to repeal §26-8-1, §26-8-2, and §26-8-3 of said code; to repeal §26-9-1 and §26-9-2 of said code; to repeal §26-10-1 of said code; to repeal §26-11-1, §26-11-2, §26-11-3 and §26-11-4 of said code; to repeal §26-5-1 of said code; to repeal to amend and reenact §48-18-101 of said code; to amend and reenact §49-1-106 of said code; all relating to reorganizing the Department of Health and Human Resources"; to the Committee on Health and Human Resources then Finance.

**By Delegates Foster, Chiarelli, Horst, Clark, Devault, Coop-Gonzalez, Brooks, Kirby, Maynor, Adkins and Ward:**

**H. B. 2007** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-20; and to amend said code by adding thereto a new section, designated §30-14-17, all relating to prohibiting certain medical practices"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Longanacre, Crouse, Ferrell, Ridenour, Fast, Thorne, Keaton, Kump, Burkhammer, Ross and McGeehan:**

**H. B. 2008** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1, §7-28-2, §7-28-3, and §7-28-4, all relating to requiring local entities to enforce immigration laws; providing for definitions; requiring that a local entity not prohibit the enforcement of immigration laws or the cooperation with other governmental agencies to enforce immigration laws; protecting the taxpayers of West Virginia by ensuring that cities, towns, municipalities and counties in West Virginia are immediately required to contact the United States Immigration and Customs Enforcement to identify where noncitizen residents are residing, so that the matter of their illegal status is resolved in the courts; and prohibiting discrimination while enforcing existing immigration laws and

prohibiting sanctuary cities in West Virginia"; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2503** - "A Bill to amend and reenact §49-4-112 of the Code of West Virginia, 1931, as amended, relating to requiring the Department of Health and Human Resources to pay the attorney fees of an adoptive parent in a subsidized adoption"; to the Committee on Health and Human Resources.

**By Delegate Foster:**

**H. B. 2504** - "A Bill to amend and reenact §18C-7-6 and §18C-7-7 of the Code of West Virginia, 1931, as amended, relating to PROMISE Scholarship Program requirements; requiring repayment of scholarship if student is not employed in West Virginia following graduation, under certain circumstances"; to the Committee on Education then Finance.

**By Delegate Criss:**

**H. B. 2505** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §44A-5-1, §44A-5-2, §44A-5-3, §44A-5-4, and §44A-5-5, all relating to creating the Supported Decision-Making Act; providing for a legislative purpose; providing for definitions; laying out the requirements for the petition; creating Independent Educational Program (IEP) requirements; and providing for transitional planning"; to the Committee on Education then the Judiciary.

**By Delegates Linville, Howell, Cannon, Householder, Criss, Maynor and W. Hall:**

**H. B. 2506** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-4-11, relating to creating a title clearinghouse for nonresident businesses; authorizing the Division of Motor Vehicles to regulate participation in the clearinghouse; authorizing the Division of Motor Vehicles to set fees for participants; and authorizing fleet registration"; to the Committee on Technology and Infrastructure.

**By Delegate Linville:**

**H. B. 2507** - "A Bill to amend and reenact §6C-2-1, §6C-2-2, §6C-2-3, §6C-2-4, and §6C-2-6 of the Code of West Virginia, 1931, as amended, all relating to West Virginia public employees grievance procedure; clarifying that actions by an agency taken during a declared state of preparedness or emergency are not grievable; requiring a notarized grievance form; providing that a grievance must be filed within the time limits specified or it may be dismissed at level one; authorizing refiling of grievances dismissed without prejudice; extending certain time limits; providing for appeal of dismissed grievances; providing that the grievance evaluator and the administrative law judge must hold all other proceedings in abeyance until a ruling on motion to dismiss; adding grounds for dismissal of grievance; clarifying that grievances may be consolidated so long as the initial grievance has not been dismissed; providing that proceedings may be rescheduled for good cause shown including agency attorney no longer employed by agency; requiring that grievant representatives must provide the names and work location of employees being represented; requiring that employees must provide the name and contact information of representative; providing that available annual leave will be charged for work hours used in preparing for and attending the grievance hearing in excess of certain limits; and clarifying limitation on representation is limited by work requirements and specifying employer discretion in those instances"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate Keaton:**

**H. B. 2508** - "A Bill to amend and reenact §19-19-4 of the Code of West Virginia, 1931, as amended, relating to adding a clear and convincing evidentiary standard of proof for certain actions against agricultural operations"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Steele:**

**H. B. 2509** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §48-1A-101, §48-1A-201, §48-1A-301, §48-1A-401, §48-1A-501, §48-

1A-601, §48-1A-701, §48-1A-801, §48-1A-901 and §48-1A-1001, all relating to the Uniform Premarital Agreement Act; defining terms; setting forth requirements and content of agreement; providing for the effect, amendment, revocation and enforcement of such agreements; establishing statute of limitations, application and construction of article; and setting forth short title"; to the Committee on the Judiciary.

**By Delegates Howell, Clark, Smith, Crouse, Honaker, Ferrell, Cannon, Phillips, Kelly, Hott and Zatezalo:**

**H. B. 2511** - "A Bill to amend and reenact §11-15-3c of the Code of West Virginia, 1931, as amended, relating to modifying the collection and payment by the seller of sales tax on seller-financed sales of motor vehicles to be done as the seller receives the proceeds of the sale from the buyer, equal to the applicable percent sales tax of the amount of the monthly payment, applied to each payment, and continuing for the entire term of the loan period"; to the Committee on Finance.

**By Delegates Smith, Clark, Howell, Phillips, Crouse, Zatezalo, Thorne and Storch:**

**H. B. 2513** - "A Bill to amend and reenact §3-2-18 of the Code of West Virginia, 1931, as amended, relating to the deadline by which county clerks must report voter participation history after an election into the statewide voter registration system"; to the Committee on the Judiciary.

**By Delegates Howell, Crouse, Jennings, Ferrell, Phillips, Honaker, Linville, Zatezalo and Thorne:**

**H. B. 2514** - "A Bill to amend and reenact §17C-14-11 of the Code of West Virginia, 1931, as amended, relating to criminal penalties for placing glass or other debris on highways"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Howell, Clark, Smith, Crouse, Jennings, Ferrell, Phillips, Honaker, Cannon, Linville and Hott:**

**H. B. 2515** - "A Bill to amend and reenact §9-3-1 and of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-1B-4; and by adding thereto a new section, designated §21A-10-24, relating to requiring Workforce West Virginia, Higher

Education Policy Commission, and the Bureau for Family Assistance to develop and maintain an inventory of available services and supports for single parents who wish to obtain a degree, secure workforce training, or reenter the workforce"; to the Committee on Workforce Development then Government Organization.

**By Delegates Reynolds, Storch, Cooper, Sheedy, Willis, Jeffries, W. Hall, Nestor, Kelly, Zatezalo and Ferrell:**

**H. B. 2516** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-7A-41, relating to ensuring that coaching days spent by retired teachers are not counted towards a limit on days for retired teachers"; to the Committee on Education.

**By Delegate Dillon:**

**H. B. 2517** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-24, relating to the creation of the Medical Insurance Policy Owner's Notification Act"; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Keaton:**

**H. B. 2518** - "A Bill to amend and reenact §19-37-2 of the Code of West Virginia, 1931, as amended, relating to providing a minimum percentage requirement of food from in-state producers for purposes of the West Virginia Fresh Food Act"; to the Committee on Agriculture and Natural Resources then Education.

**By Delegates Foster, Smith, Horst, McGeehan, Phillips, Longanacre, Barnhart, Reynolds, Cooper, Jennings and Worrell:**

**H. B. 2519** - "A Bill to amend and reenact §33-4A-1 of the Code of West Virginia, 1931, as amended; and to repeal §33-4A-2, §33-4A-3, §33-4A-4, §33-4A-5, §33-4A-6, §33-4A-7, and §33-4A-8 of said code, all relating to termination of the All-payer Claims Database program; setting a date for termination of the program; terminating contracts with third-party vendors; requiring the safe deletion of data; and providing for the transfer of any



remaining funds"; to the Committee on Government Organization then Finance.

**By Delegates Reynolds, Barnhart, Cooper, Sheedy, Jeffries, W. Hall, Kelly, Zatezalo, Willis, Miller and Nestor:**

**H. B. 2520** - "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to the waiver of all fees for special registration plates to the Gold Star next of kin of a member of any branch of the armed services of the United States killed in combat"; to the Committee on Technology and Infrastructure then Finance.

**By Delegates Criss and Householder:**

**H. B. 2521** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-64, relating to establishing the Public/Private Small Business Enhancement Program to encourage small business development and growth"; to the Committee on Economic Development and Tourism then Finance.

**By Delegate Foster:**

**H. B. 2522** - "A Bill To repeal §21-1C-1, §21-1C-2, §21-1C-3, §21-1C-4, §21-1C-5, and §21-1C-6 of the Code of West Virginia, 1931, as amended, relating to repealing the West Virginia Jobs Act"; to the Committee on Government Organization.

**By Delegate Foster:**

**H. B. 2523** - "A Bill to amend and reenact §30-27-5 of the Code of West Virginia, 1931, as amended, relating to restricting the authority of the Board of Barbers and Cosmetologists to regulate the use of commonly available, retail beauty products"; to the Committee on Government Organization.

**By Delegate Foster:**

**H. B. 2524** - "A Bill to repeal §23-2-1d of the Code of West Virginia, 1931, as amended, relating to prime contractors liability for subcontractors failure to make proper payments for workers' compensation coverage"; to the Committee on Workforce Development then the Judiciary.

**By Delegate Foster:**

**H. B. 2525** - "A Bill to amend and reenact §8-13-13 of the Code of West Virginia, 1931, as amended, relating to charging fees for municipal services and prohibiting municipalities from assessing fees to people on the basis of employment within the municipal boundaries"; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Hanshaw (Mr. Speaker) and Skaff  
[By Request of the Executive]:**

**H. B. 2526** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto three new sections, designated §11-21-4g, §11-21-4h, and §11-21-4i, all relating to reducing the personal income tax; providing for reduced graduated income tax rates; reducing the rate of tax on composite returns; reducing the rate of withholding tax on nonresident income; reducing the rate of withholding tax on the nonresident sale of real estate; reducing the rate of withholding on gambling winnings; applying the rates retroactively to January 1, 2023; applying new rates on January 1, 2024 and January 1, 2025; and generally providing effective dates"; to the Committee on Finance.

The Speaker informed the House of the following two matters:

Bills and a resolution sponsored by Mr. McGeehan were introduced on yesterday, and there being no objection, the same were considered as formally introduced and referred as indicated on the electronic list from yesterday.

The following bills, introduced on yesterday, were erroneously referred to the Committee on Education, and there being no objections, the bills were reassigned to the Committee on Economic Development and Tourism:

**H. B. 2030**, WV Small Business COVID Relief Act,

**H. B. 2043**, Creating a Small Business and Minority Populations Economic and Workforce Development Taskforce,

**H. B. 2050**, West Virginia Economic Diversification Act,

**H. B. 2052**, Prohibit businesses from having licenses revoked for not requiring masks,

**H. B. 2059**, Amend the Rural Industrial Site Development Act,

**H. B. 2060**, Create special revenue fund for Infrastructure and Jobs Development Council,

**H. B. 2061**, Provide targeted business personal property tax relief in certain communities,

**H. B. 2063**, Provide a tax credit to distribution centers who build away from interstates and in more rural areas of West Virginia,

**H. B. 2064**, To create commercial opportunity zones to attract new businesses to West Virginia,

**H. B. 2065**, West Virginia Heavy Duty Truck Excise Tax Elimination Act,

And,

**H. B. 2169**, Provide valuation limitations to the Tax Commissioner for coal properties and to clarify the penalty for non-filers.

### **Miscellaneous Business**

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

**H. B. 2029**: Delegate Foster;

**H. B. 2113**: Delegates Capito, Garcia, Ellington, Fast, Fluharty, Gearheart, Kimble, McGeehan, Skaff and Steele;

**H. B. 2114**: Delegates Clark, Crouse, Dean, Ellington, Honaker, Horst, Howell, Longanacre, Phillips and Summers;

**H. B. 2172**: Rick Hillenbrand;

**H. B. 2188:** Delegates Crouse; Kimble, Mazzocchi, Nestor, Phillips, C. Pritt and Worrell;

**H. B. 2285:** Delegate Horst;

And,

**H. B. 2506:** Delegates Espinosa and Riley.

At 11:10 a.m., the House of Delegates adjourned until 11:00 a.m., Friday, January 13, 2023.

---

Friday, January 13, 2023

### THIRD DAY

[DELEGATE ESPINOSA, MR. SPEAKER PRO TEMPORE, IN THE CHAIR]

The House of Delegates was called to order by the Honorable Paul Espinosa, Speaker Pro Tempore.

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

The Clerk proceeded to read the Journal of Thursday, January 12, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

### 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. 2526**, The purpose of this bill is to reduce the personal income tax rates by 50% of the current rates over the course of three years,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2526** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto three new sections, designated §11-21-4g, §11-21-4h, and §11-21-4i; and to amend and reenact §11-21-93 of said code, all relating to reducing the personal income tax; providing for reduced graduated income tax rates; reducing the rate of tax on composite returns; reducing the rate of withholding tax on nonresident income; reducing the rate of withholding tax on the nonresident sale of real estate; reducing the rate of withholding on gambling winnings; applying reduced rates retroactively to January 1, 2023; applying additional reduced rates

on January 1, 2024 and January 1, 2025; requiring deposits of surplus revenues into personal income tax reserve fund; and generally providing effective dates,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2218**, Distracted Driving Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2218) was referred to the Committee on the Judiciary.

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2310**, Provide the Division of Motor Vehicles authority to develop an "Antique Fleet" program so that multiple antique motor vehicles may utilize a single registration plate,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2310) was referred to the Committee on Government Organization.

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

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

**H. B. 2016**, Relating to confidential childcare records,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2016) was referred to the Committee on the Judiciary.

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

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

**H. B. 2002**, Relating to providing support for families,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2002) was referred to the Committee on Finance.

### **Messages from the Senate**

A message from the Senate, by

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

**S. B. 161** – “A Bill to amend and reenact §20-1-10 of the Code of West Virginia, 1931, as amended, relating to the authority of the

Division of Natural Resources to manage and dispose of property”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**S. B. 162** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-1-22, relating to authorizing the director of the Division of Natural Resources to lease state-owned pore spaces underlying state forests, natural and scenic areas, and management areas, and other lands under the jurisdiction and control of the director for carbon sequestration; prohibiting the leasing of pore spaces underlying state parks; establishing competitive bidding process; providing for procedures and requirements; and authorizing the director to directly award a pore space under certain circumstances when necessary for an economic development project”; which was referred to the Committee on the Judiciary.

### **Resolutions Introduced**

On motion for leave, a Joint Resolution was introduced and referred as follows:

**By Delegates Kump, Householder, Criss, Linville, Foster, Maynor, Hite, Hornby, Horst, Phillips and Crouse**

**H. J. R. 14** - " Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to homestead exemption increase; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Finance then the Judiciary.

### **Bills Introduced**

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



**By Delegates Howell, Anderson, Hott, Zatezalo, Clark, Ferrell, Storch, Smith, Phillips, Cannon and Linville:**

**H. B. 2510** - “A Bill to amend the Code of West Virginia, 1931, as amended; by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, §11-13MM-3, §11-13MM-4, §11-13MM-5, §11-13MM-6, §11-13MM-7, §11-13MM-8, §11-13MM-9, §11-13MM-10, §11-13MM-11, §11-13MM-12, §11-13MM-13, §11-13MM-14, §11-13MM-15, §11-13MM-16, §11-13MM-17, §11-13MM-18, §11-13MM-19, §11-13MM-20, and §11-13MM-21, all relating to the creation of the Rare Earth Element and Critical Mineral Investment Tax Credit Act; providing for a short title; providing legislative findings and purpose; defining terms including rare earth elements and critical minerals; providing for administration and enforcement of act; specifying an amount of credit allowable based on amount of qualified investment and the number of new jobs created for mining and processing of rare earth elements and critical minerals and manufacturing of products requiring rare earth elements and critical minerals; providing limitations and conditions for the qualification and use; defining in service or use; providing for the application of the credit to the corporate net income tax and the personal income tax, as appropriate; providing for methods of calculation of the qualified investment; providing for a determination and certification of the number of new jobs; providing for carry over and forfeiture of unused tax credits and redetermination of tax credits under certain circumstances; providing certain limitations for credits being carried over; providing for full recapture and partial recapture of credit under certain circumstances and imposing a recapture tax; allowing transfer of qualified investment property without forfeiture or recapture under certain circumstances; requiring identification of qualified investment property and record keeping; providing civil penalties for failure to keep required records; providing for interpretation and construction of credit; requiring timely filing of application for credit; providing for criminal and civil penalties; specifying burden of proof; requiring periodic review and reporting; authorizing rule-making; making the credit subject to West Virginia Tax Procedure and Administration Act and West Virginia Tax Crimes and Penalties Act; providing for severability;

and specifying an effective date"; to the Committee on Economic Development and Tourism.

**By Delegates Howell, Hornbuckle, Capito, Clark, Ferrell, Storch, Smith, Phillips, Cannon, Kelly and Hott:**

**H. B. 2512** - "A Bill to amend and reenact §5B-8-1 of the Code of West Virginia, 1931, as amended, relating to transferring the administration of the West Virginia Small Business Innovation Research (SBIR) and Small Business Technology Transfer (SBTT) Matching Funds Program from the Department of Commerce to the Department of Economic Development, including, but not limited to, the authority to propose legislative rules for promulgation"; to the Committee on Economic Development and Tourism.

**By Delegate Steele:**

**H. B. 2527** - "A Bill to repeal §55-9-1, §55-9-2, and §55-9-3 of the Code of West Virginia, 1931, as amended; to repeal §61-1-4, §61-1-5, §61-1-7, §61-1-8, §61-1-9, §61-2-5a, §61-2-9a, §61-2-9b, §61-2-9c, §61-2-9d, §61-2-10a, §61-2-10b, §61-2-14a, §61-2-14b, §61-2-14c, §61-2-14d, §61-2-14e, §61-2-14f, §61-2-14g, §61-2-14h, §61-2-15a, §61-2-16a, §61-2-26, §61-2-27, §61-2-27a, §61-2-28, §61-2-29, §61-2-29a, §61-2-29b, §61-2-30, §61-3-20a, §61-3-22a, §61-3-24a, §61-3-24b, §61-3-24c, §61-3-24d, §61-3-24e, §61-3-24f, §61-3-24g, §61-3-24h, §61-3-39, §61-3-39a, §61-3-39b, §61-3-39c, §61-3-39d, §61-3-39e, §61-3-39f, §61-3-39g, §61-3-39h, §61-3-39i, §61-3-39j, §61-3-39k, §61-3-39m, §61-3-39n, §61-3-39o, §61-3-39p, §61-3-39q, §61-3-40, §61-3-41, §61-3-42, §61-3-43, §61-3-44, §61-3-45, §61-3-45a, §61-3-46, §61-3-47, §61-3-48, §61-3-48a, §61-3-49, §61-3-49a, §61-3-49b, §61-3-50, §61-3-51, §61-3-52, §61-3-53, §61-3-54, §61-3-55, §61-3-56, §61-3-57, §61-3-58, §61-3-59, §61-3A-4a, §61-3C-14a, §61-3C-14b, §61-3C-14c, §61-3E-13, §61-5-12a, §61-5-12b, §61-5-25a, §61-5-27a, §61-5-28, §61-5-29, §61-6-1a, §61-6-1b, §61-6-14a, §61-6-18, §61-6-19, §61-6-20, §61-6-21, §61-6-22, §61-6-23, §61-6-24, §61-6-25; §61-7-4a, §61-7-6a, §61-7-11a, §61-7-15a, §61-8-9a, §61-8-19a, §61-8-19b, §61-8-19c, §61-8-27a, §61-8-28, §61-8-28a, §61-8-29, §61-8-30, §61-8-31, §61-8C-3a, §61-8C-3b, §61-8D-4a, §61-8D-5a, §61-8E-1, §61-8E-2, §61-8E-3, §61-9-9, §61-9-10, §61-9-11, §61-10-11a, §61-10-11b, §61-10-30, §61-10-31,

§61-10-32, §61-10-33, §61-10-34, §61-11-1a, §61-11-8a, §61-11-22a, §61-11-26a, §61-11-26b and §61-11A-9 of said code; to amend and reenact §15-12-8 of said code; to amend and reenact §19-1A-3b of said code; to amend and reenact §29-22-12 of said code; to amend and reenact §61-1-1, §61-1-2, §61-1-3 of said code; to amend and reenact §61-2-1, §61-2-2, §61-2-3, §61-2-4, §61-2-5, §61-2-6, §61-2-7, §61-2-8, §61-2-9, §61-2-10, §61-2-11, §61-2-12, §61-2-13, §61-2-14, §61-2-15, and §61-2-16 of said code; to amend and reenact §61-3-1, §61-3-2, §61-3-3, §61-3-4, §61-3-5, §61-3-6, §61-3-7, §61-3-8, §61-3-11, §61-3-12, §61-3-13, §61-3-14, §61-3-15, §61-3-16, §61-3-18, §61-3-19, §61-3-20, §61-3-21, §61-3-22, §61-3-23, §61-3-24, §61-3-25, §61-3-26, §61-3-27, §61-3-28, §61-3-29, §61-3-30, §61-3-31, §61-3-32, §61-3-33, §61-3-34, §61-3-35, §61-3-36, §61-3-37, and §61-3-38 of said code; to amend and reenact §61-3A-3 and §61-3A-7 of said code; to amend and reenact §61-3B-2, §61-3B-3, §61-3B-4, §61-3B-5, §61-3B-6, and §61-3B-7 of said code; to amend and reenact §61-3C-2, §61-3C-3, §61-3C-4, §61-3C-5, §61-3C-6, §61-3C-7, §61-3C-8, §61-3C-9, §61-3C-10, §61-3C-11, §61-3C-12, §61-3C-13, §61-3C-14, §61-3C-15, §61-3C-16, §61-3C-17, §61-3C-18, §61-3C-19, §61-3C-20, §61-3C-21 of said code; to amend and reenact §61-3D-2 and §61-3D-3 of said code; to amend and reenact §61-3E-1, §61-3E-3, §61-3E-4, §61-3E-5, §61-3E-6, §61-3E-7, §61-3E-8, §61-3E-9, §61-3E-10, and §61-3E-12 of said code; to amend and reenact §61-4-1, §61-4-2, §61-4-3, §61-4-4, §61-4-5, §61-4-6, §61-4-7, §61-4-8, and §61-4-9 of said code; to amend and reenact §61-5-1, §61-5-2, §61-5-3, §61-5-4, §61-5-5, §61-5-6, §61-5-7, §61-5-8, §61-5-9, §61-5-10, §61-5-11, §61-5-12, §61-5-13, §61-5-14, §61-5-15, §61-5-16, §61-5-17, §61-5-18, §61-5-19, §61-5-20, §61-5-21, §61-5-22, §61-5-23, §61-5-24, §61-5-25, §61-5-26, and §61-5-27 of said code; to amend and reenact §61-5A-9 of said code; to amend and reenact §61-6-1, §61-6-2, §61-6-3, §61-6-6, §61-6-7, §61-6-8, §61-6-9, §61-6-10, §61-6-11, §61-6-12, §61-6-13, §61-6-14, §61-6-15, §61-6-16, and §61-6-17 of said code; to amend and reenact §61-7-2, §61-7-3, §61-7-4, §61-7-5, §61-7-6, §61-7-7, §61-7-8, §61-7-9, §61-7-10, §61-7-11, §61-7-12, §61-7-14, §61-7-15, §61-7-16, and §61-7-17 of said code; to amend and reenact §61-8-1, §61-8-2, §61-8-5, §61-8-6, §61-8-7, §61-8-8, §61-8-9, §61-8-10, §61-8-11, §61-8-12, §61-8-14, §61-8-15, §61-8-16, §61-8-19, §61-

8-21, §61-8-20, §61-8-22, §61-8-23, §61-8-25, §61-8-26, and §61-8-27 of said code; to amend and reenact §61-8A-1, §61-8A-2, §61-8A-4, and §61-8A-5 of said code; to amend and reenact §61-8B-3, §61-8B-4, §61-8B-5, §61-8B-7, §61-8B-8, §61-8B-9, §61-8B-9b, §61-8B-10, §61-8B-11, §61-8B-11a, §61-8B-12, §61-8B-13, §61-8B-14, §61-8B-15, §61-8B-16, §61-8B-17, and §61-8B-18 of said code; to amend and reenact §61-8C-1, §61-8C-2, and §61-8C-3 of said code; to amend and reenact §61-8D-1, §61-8D-2, §61-8D-2a, §61-8D-3, §61-8D-3a, §61-8D-4, §61-8D-4a, §61-8D-5, §61-8D-6, §61-8D-7, §61-8D-8, §61-8D-9, and §61-8D-10 of said code; to amend and reenact §61-9-1, §61-9-2, §61-9-3, §61-9-4, §61-9-5, §61-9-6, §61-9-7, and §61-9-8 of said code; to amend and reenact §61-10-1, §61-10-2, §61-10-3, §61-10-4, §61-10-5, §61-10-6, §61-10-7, §61-10-8, §61-10-9, §61-10-10, §61-10-11, §61-10-12, §61-10-13, §61-10-14, §61-10-15, §61-10-16, §61-10-17, §61-10-19, §61-10-20, §61-10-22, and §61-10-23 of said code; to amend and reenact §61-11-1, §61-11-1a, §61-11-3, §61-11-4, §61-11-5, §61-11-6, §61-11-7, §61-11-8, §61-11-18, §61-11-20, §61-11-21, and §61-11-22 of said code; to amend and reenact §61-11A-7 and §61-11A-8 of said code; to amend and reenact §61-12-8, §61-12-9, and §61-12-13 of said code; to amend and reenact §61-13-3 of said code; to amend and reenact §61-14-2, §61-14-3, §61-14-4, §61-14-5, §61-14-6, §61-14-7, §61-14-8, and §61-14-9 of said code; to amend and reenact §61-15-2 and §61-16-2 of said code; to amend and reenact §62-6-8 of said code; to amend and reenact §62-12-2 and §62-12-26 of said code; to amend said code by adding thereto a new article, designated §23-5B-1, §23-5B-2, §23-5B-3, and §23-5B-4; to amend said code by adding thereto two new sections, designated §30-1-27, and §30-1-28; to amend said code by adding thereto a new section, designated §30-29-9a; to amend said code by adding thereto a new section, designated §55-2-23; to amend said code by adding a new section, designated §60A-4-418; to amend said code by adding thereto nine new sections, designated §61-2-17, §61-2-18, §61-2-19, §61-2-20, §61-2-21, §61-2-22, §61-2-23, §61-2-24, and §61-2-25; to amend said code by adding thereto three new sections, §61-3-9, §61-3-10, and §61-3-17; to amend said code by adding thereto three new sections, designated §61-3B-8, §61-3B-9, and §61-3B-10; to amend said code by adding thereto two new sections, §61-3C-22 and §61-3C-23; to

amend said code by adding thereto a new article, designated §61-3F-1, §61-3F-2, §61-3F-3, §61-3F-4, §61-3F-5, §61-3F-6, §61-3F-7, §61-3F-8, §61-3F-9, §61-3F-10; §61-3F-11, §61-3F-12, §61-3F-13, §61-3F-14, §61-3F-15, §61-3F-16, and §61-3F-17; to amend said code by adding thereto a new section, designated §61-4-10; to amend said code by adding thereto three new sections, designated §61-7-13, §61-7-18, and §61-7-19; to amend said code by adding thereto five new sections, designated §61-8-3, §61-8-4, §61-8-17, §61-8-18, and §61-8-24; to amend said code by adding thereto six new sections, designated §61-8B-6, §61-8B-19, §61-8D-11, §61-8D-12, §61-10-18, and §61-10-21; to amend said code by adding thereto two new sections, designated §61-11-27 and §61-11-28; to amend said code by adding thereto a new article, designated §61-17-1, §61-17-2, §61-17-3, §61-17-4, §61-17-5, §61-17-6, and §61-17-7; and to amend said code by adding thereto a new article, designated §61-18-1, §61-18-2, §61-18-3, and §61-18-4, all relating to revising the criminal code generally; relating to the failure of a sex offender to register or provide notice of registration changes and the penalty for the same; timber theft, investigations thereof, and the criminal and civil penalties for the same; crimes against the worker's compensation system generally; the crime of omission to subscribe for workers' compensation insurance; the crime of failure to file a premium tax report or pay premium taxes; crimes relating to false testimony or statements concerning such; the crime of failure to file reports; criminal penalties for such actions or inactions; provisions for asset forfeiture; venue for trial of such crimes; the crime of wrongfully seeking workers' compensation; criminalizing false testimony or statements given in support of the same; criminal penalties for these offenses; venue for the trial of such crimes; workers' compensation health care offenses; fraud; theft or embezzlement; false statements; criminal penalties for the above offenses; notice requirements; prohibition against providing future services; penalties for the same; provisions for asset forfeiture; venue for the trial of such crimes; defining the crime of providing false documentation to workers' compensation, to the Insurance Commissioner or a private carrier of workers' compensation insurance; criminalizing altering documents or certificates from workers' compensation; criminal penalties for such offenses; venue for the trial of such crimes; the

required reporting of gunshot and other wounds; the required reporting of burns; penalty for aiding and abetting; railroad employees being conservators of the peace; special railroad policemen; and the powers and duties of the same; relating to shooting ranges, limitations on nuisance actions, and noise ordinances; relating generally to criminal activity and the punishment thereof; wanton endangerment involving the use of fire, and the criminal penalty for the same; relating to crimes against the government; defining treason, the crime of treason, and penalties therefor, the crime of failure to give information of treason and its penalty; the crime of desecration of the flag, and its penalty; relating to crimes against the person, first and second degree murder defined, and punishment for the same; delineating provisions for allegations in indictment for homicide; defining voluntary manslaughter and the penalty thereof; defining involuntary manslaughter, and specifying the penalty for the same; defining concealment of a deceased human body, and specifying the penalty for the same; clarifying that homicide is punishable within the state if injury occurs within and death without, or vice versa; defining an attempt to kill or injure by poison, and specifying the penalty for the same; defining the crime of abortion and the penalty for the same; defining malicious or unlawful assault, assault, and battery, and specifying the penalties for each and aggravated factors and enhanced penalties; explaining provisions of sentencing for such acts committed by incarcerated persons; defining assault during the commission of or attempt to commit a felony, and specifying the penalty for the same; delineating that for violent crimes against the elderly a sentence is not subject to suspension or probation; defining harassment, and providing penalties, and certain definitions for the same; defining strangulation, suffocation, and asphyxiation and providing definitions and penalties for the same; defining robbery or attempted robbery and specifying the penalties for the same; defining extortion, and attempted extortion by threat, and specifying the penalty for these; defining kidnapping and specifying penalties for the same; defining concealment or removal of a minor child from custodian or from person entitled to visitation; and setting forth penalties and defenses for the same; providing that one aiding or abetting in kidnapping or in concealing

or removing a minor child is guilty as a principal, and explaining venue for those offenses; defining unlawful restraint and providing penalties for the same; prohibiting the purchase or sale of a child, setting the criminal penalty for the same, and providing definitions and exceptions; the failure to remove doors from abandoned refrigerators, freezers and other appliances, and providing penalties for the same; providing definitions for various forms of domestic violence and criminal penalties; providing definitions and criminal penalties for the abuse or neglect of an incapacitated adult; providing criminal penalties for the death of an incapacitated adult by a caregiver; defining and providing criminal penalties for the financial exploitation of an elderly person, protected person or incapacitated adult; recognizing an embryo or fetus as a distinct unborn victim of certain crimes of violence against the person; relating to crimes against property; arson; the degrees of arson, and definitions and criminal penalties for the same; burning, or attempting to burn, insured property and the criminal penalty for the same; causing injuries during an arson-related crime, and the criminal penalties for the same; recovery of costs incurred in fighting fires caused by arson; defining burglary, the entry of dwelling house or outbuilding, and providing criminal penalties for the same; defining entry of a house, building, vehicle, or enclosed property, the criminal penalties for the same, and specifying counts in indictment for the same; manufacture or possession of burglary tools, and the criminal penalties for the same; setting forth criminal offenses involving theft detection shielding devices, their criminal penalties and providing for detention of persons suspected of this offense; grand larceny, aggravated grand larceny, and petit larceny distinguished, setting forth the criminal penalties for each, defining larceny of bank notes, checks, writings of value and book accounts, and delineating the determination of value in larceny; explaining receiving or transferring stolen goods and providing a criminal penalty; providing a criminal penalty for bringing into this state, receiving or disposing of property stolen in another state; embezzlement, and the criminal penalties for the same; falsifying accounts, and the criminal penalties for the same; possession or use of automated sales suppression devices, and the criminal penalties for the same; the offenses of destroying or concealing a will, and embezzlement by fiduciary, and the criminal penalties for the

same; obtaining money, property and services by false pretenses, disposing of property to defraud creditors, and the criminal penalties for each of these; the offenses of attempted or fraudulent use, forgery, traffic of credit cards, possession and transfer of credit cards and credit card making equipment, the false or fraudulent use of telephonic services, and the criminal penalties for these offenses; intercepting or monitoring customer telephone calls, and the criminal penalties for the same; requirements for finding fraudulent schemes and provisions for the cumulation of amounts where a common scheme exists, and the criminal penalties for the same; the casting away, destroying, or interfering with floating craft or material, and the criminal penalties for the same; interference with or destruction of buoys, signal lights or other aids to navigation, and the criminal penalties for the same; the offense of malicious killing of animals by poison or otherwise, and the criminal penalties for the same; the removal out of a county of property securing a claim, and the criminal penalties for such offense; the fraudulent disposition of personal property in possession by virtue of lease, notice to return, failure to return, and penalties where such property is not returned; noting a right to immediate possession in such instances; making a false statement as to financial condition of person, firm or corporation, and the criminal penalty for the same; publication of false advertisements, and the criminal penalty for the same; fraudulently obtaining food or lodging, and the criminal penalty for the same; intoxication of a person in charge of locomotive engine or car, and the criminal penalty for the same; the offenses of jumping on or off car or train in motion; driving vehicle upon track or bridge except at crossings, and the criminal penalty for the same; procuring gas, water or electricity, by device, with intent to defraud, and the criminal penalty for the same; placing a dam or obstructions in watercourses, and the criminal penalty for the same; setting forth requirements for the purchase of scrap metal by scrap metal purchasing businesses, salvage yards, or recycling facilities; requiring certificates, records, and reports of such purchases; providing criminal penalties for violations of these provisions; setting forth requirements for the purchase of items by precious metals and gem dealers, records to be kept by them, and delineating prohibited acts, and the criminal penalty for the same; criminalizing the unauthorized use of dumpsters and setting forth



penalties; defining the offense of identity theft and providing a penalty; criminalizing the failure to pay for gasoline and providing a penalty; the offense of scanning device or re-encoder fraud, delineating when it is a felony; providing definitions; and setting forth criminal penalties for the same; the offense of possession of bogus receipts or universal product codes with intent to defraud, and the criminal penalties for the same; the offense of misrepresentation of past or present military status or military awards to obtain anything of value, and delineating criminal penalties for the same; relating to shoplifting; prescribing penalties; defining the crime of organized retail theft, and providing penalties for that offense, all relating to trespass; trespass in a structure or conveyance and penalties for the same; trespass on property other than a structure or conveyance, removal, injury to or destruction of property, monuments designating land boundaries and of certain no trespassing signs and penalties for the same; trespass on student residence premises or student facility premises of an institution of higher education and penalties for the same; trespass on state government property; aiding and abetting; penalties for each of those offenses; defining the offense of mine trespass, and penalties for the same; defining animal or crop facilities trespass; providing penalties for the same; allowing for injunctive relief in such instances; offenses involving damage to shrubbery, flowers, trees and timber; providing for a limitation of application of the relevant subsection, and providing penalties; prohibiting cutting, damaging, or carrying away without written permission, any timber, trees, growing plants or the products thereof; treble damages provided for the same; creating the Critical Infrastructure Protection Act; defining terms relevant to the same; prohibiting certain acts, including trespass and conspiracy to trespass against property designated a critical infrastructure facility; providing criminal penalties; and, allowing for certain forms of civil action in such instances; relating to the West Virginia Computer Crime And Abuse Act, defining terms; computer fraud; access to legislative or state-owned computer; criminal penalties for the same; unauthorized access to computer services and criminal penalties for the same; unauthorized possession of computer data or programs and criminal penalties for the same; unauthorized possession of computer data or programs and

criminal penalties for the same; alteration, destruction, etc., of computer equipment, and criminal penalties for the same; unauthorized possession of computer information, and criminal penalties for the same; disclosure of computer security information and criminal penalties for the same; computer invasion of privacy and criminal penalties for the same; fraud and related activity in connection with access devices, and criminal penalties for the same; endangering public safety, and criminal penalties for the same; obscene, anonymous, harassing and threatening communications by computer, cell phones and electronic communication devices, and criminal penalties for the same; soliciting, etc. a minor via computer; soliciting a minor and traveling to engage the minor in prohibited sexual activity; cyberbullying or specific acts of electronic harassment of minors; definitions; criminal penalties for the same; exceptions; use of a computer as an instrument of forgery; civil relief and damages available; defenses to criminal prosecution; venue; prosecution under other criminal statutes not prohibited; personal jurisdiction; and, severability; relating to the theft of cable television services, the acquisition of cable television services, and penalties for wrongfully acquitting the same; sale or transfer of a device or plan intended for acquisition or diversion, and criminal penalties for the same; illegal possession of destructive devices, explosive materials or incendiary devices; and the criminal penalty for the same; criminal use of destructive device, explosive material or incendiary device; and the criminal penalty for the same; causing accidental or intentional death or injury; penalties; causing death or injury to an explosives detection animal; and the penalty for the same; manufacture, purchase, sale, advertising for sale, transporting or possession or use of a hoax bomb; possession or use in commission of a felony; and the penalty for the same; theft of explosive material from storage magazines or buildings; and the penalty for the same; receipt, possession, storage, sale or transportation of stolen explosive material; and the criminal penalty; wanton endangerment involving destructive devices, explosive materials or incendiary devices; and the criminal penalty; contraband, seizure, forfeiture of explosive devices; relating to crimes involving worthless checks; obtaining property in return for worthless checks, and the criminal penalties for the same; making, issuing, etc., worthless checks on a

preexisting debt, and the criminal penalties for the same; payment as a defense to such offenses; requiring making a statement for the reason for dishonor a duty of the drawee; defining what constitutes prima facie evidence of knowledge, setting forth requirements for identity, and providing a criminal penalty for providing false information; requiring a notice of dishonor by payee, and providing for a service charge; prescribing manner of filing complaint for warrant and the form thereof; providing guidance for a complaint, what constitutes notice of complaint, and the issuance of a warrant; delineating payment procedures, and imposing costs; providing for the payment of costs in worthless check cases, and the disposition of certain costs; requiring the preparation of a list of worthless check warrants; the use of that worthless check list upon receipt of complaint for warrant; delineating the duties of a prosecuting attorney upon receipt of notice of multiple worthless check warrants; requiring the magistrate court clerk to advise complainant; providing for the creation and operation of a program for worthless check offenders, and requirements for acceptance of a person in that program; requiring certain notice to persons accepted to the worthless check restitution program; agreement to suspend prosecution of a person accepted into the restitution program; providing for fees for participation in the worthless check restitution program; and, providing that statements by individuals referred to or participating in the worthless check restitution program are criminally inadmissible; relating to forgery, crimes against the currency, the forgery of public records, certificates, returns or attestation of a court or officer; and the criminal penalty for the same; forgery of official seals; keeping or concealing instrument for forging same; and the criminal penalty for the same; counterfeiting, and the criminal penalty for the same; making plates, etc., for forgery; possession of same; and the criminal penalty for that offense; forging or uttering other writing and the criminal penalty for the same; creation of unauthorized demand draft; possession of counterfeit currency with intent to utter; and the criminal penalty for the same; unauthorized currency, and the criminal penalty for the same; passing or receiving unauthorized currency knowingly, and the criminal penalty for the same; and, the unauthorized use, transfer, acquisition, alteration or possession of certain benefits and the criminal penalty for the same; payment

cards and falsely making or lading the same, and the criminal penalty therefore; relating to crimes against public justice generally; perjury and subornation of perjury defined; false swearing defined, and the criminal penalties for perjury, subornation of perjury, and false swearing; aiding escape and other offenses relating to adults and juveniles in custody or confinement; and criminal penalties for the same; permitting escape; refusal of custody of prisoner; and criminal penalties for the same; persons in custody of institutions or officers; escapes and aiding in escapes; and criminal penalties for the same; terms of confinement in addition to previous sentence; escapes from, and other offenses relating to, state benevolent and correctional institution, or private prison or mental health facilities and criminal penalties for the same; escape from custody of the commissioner of corrections and criminal penalties for the same; escape from custody of the director of juvenile services; refusal of officer to make, or delay in making, arrest; and criminal penalties for the same; refusal of person to aid officer and criminal penalties for the same; refusal of officer to execute act or process of legislature or order of governor; and criminal penalty for the same; obstructing officer; fleeing from officer; making false statements to officer; interfering with emergency communications; criminal penalties for the same; definition; officer not liable for act done under statute or executive order afterward declared unconstitutional; compounding offenses and misprision and criminal penalties for the same; exacting excessive fees and criminal penalties for the same; issuing fraudulent fee bills and criminal penalties for the same; alteration, concealment or destruction of public record by officer and criminal penalty for the same; larceny, concealment or destruction of public record by person not officer; and criminal penalty for the same; corrupt summoning of jurors to find biased verdict; and criminal penalty for the same; procuring the summoning of biased juror by party other than officer; and criminal penalty for the same; discrimination against employee summoned for jury duty; and criminal penalty for the same; contempt of court; what constitutes contempt; jury trial; presence of defendant; criminal penalty for the same; fraudulent official proceedings; causing a public employee or official to file a fraudulent legal process and criminal penalty for the same; impersonation of a public official, employee or tribunal;

and criminal penalties for the same; impersonation of a public official or tribunal; impersonation of a law-enforcement officer; and criminal penalties for the same; subsequent offense; failure to perform official duties and criminal penalty for the same; the failure to meet an obligation to pay support to a minor and criminal penalties for the same; relating to bribery and corrupt practices, and the criminal penalties for such offenses; relating to crimes against the peace generally; mobs and lynching, and the criminal penalties for the same; liability of county or city in such instances; disturbance of religious worship and the criminal penalty for the same; disturbance of schools, societies, and other assemblies and the criminal penalty for the same; loitering on school property and the criminal penalty for the same; exceptions; camping upon governmental grounds or lawns and the criminal penalty for the same; public nuisance; false reports concerning bombs or other explosive devices and the criminal penalty for the same; falsely reporting an emergency incident and the criminal penalty for the same; willful disruption of governmental processes; offenses occurring at State Capitol Complex; and the criminal penalties for the same; threats of terrorist acts, conveying false information concerning terrorist acts and committing terrorist hoaxes prohibited, and the criminal penalties for the same; prohibiting violations of an individual's civil rights; and the criminal penalties for the same; wearing masks, hoods or face coverings and the criminal penalty for the same; falsely reporting child abuse and the criminal penalty for the same; classifying criminal penalties for failing to register as a sex offender, failure to provide information change, and providing false information to the sex offender registry; deleting requirement that a person be deemed a rioter if they failed to provide required assistance at a riot; classify the penalty for crime of failure to obey an order given at a riot or unlawful assembly; providing that the crime of disorderly conduct is a petty offense; modifying penalties for carrying a deadly weapon without provisional license or other authorization by persons under twenty-one years of age; enumerating penalty for violation of the confidentiality provisions of a concealed carry license application; providing for a provisional license to carry deadly weapons and how the same is obtained; revocation of concealed carry license; providing exceptions as to prohibitions

against carrying concealed handguns for persons at least eighteen years of age and fewer than twenty-one years of age and exemptions for the same from licensing fees; providing for reciprocity and recognition of out-of-state concealed handgun permits; enumerating persons prohibited from possessing firearms; setting forth the right of nonprohibited persons over twenty-one years of age to carry concealed deadly weapons; defining offenses and penalties; describing a process for reinstatement of rights to possess and offenses and penalties; prohibiting possession of deadly weapons by minors; defining brandishing deadly weapons and thereby threatening or causing breach of the peace, and providing criminal penalties for the same; creating and defining offenses of possessing deadly weapons on premises of educational facilities and on premises housing courts of law and family law courts; providing for reports by school principals; providing penalties including suspension of driver's license; defining offense of wanton endangerment using a firearm and providing penalties; right of certain persons to limit possession of firearms on premises; persons prohibited from committing violent crime while wearing body armor and penalties for same; defining offense of use or presentation of a firearm during commission of a felony and penalties for the same; clarifying requirements for chief officer certification to transfer or make certain firearms and providing definitions and for appeal of same; providing rules of construction for the dangerous weapons article; defining the crime of bigamy; providing a misdemeanor penalty for bigamy; defining the crime of prostitution and related offenses; providing the penalty for prostitution; providing that a medical report certifying no sexually transmitted disease reduces penalty for prostitution; providing criminal penalty for solicitation of prostitute; providing enhanced criminal penalty for solicitation of an individual for prostitution who is less than 18 years of age, mentally defective or incapacitated; providing fines for soliciting prostitution be paid to the Crime Victims Compensation Fund in designated circumstances; defining the crime of detaining, recruiting, or inducing another to engage in prostitution, providing that a second offense of the same and recruitment of persons under the age of 18 are felony offenses; establishing that parents consenting to using a minor or mentally defective person for prostitution is guilty of a

felony; establishing that causing a person to engage in prostitution because of debt or to receive value is subject to misdemeanor penalty; establishing that a person who forces, intimidates or threatens a spouse to engage in prostitution commits a felony offense; providing respective criminal penalties; establishing the criminal offense of abducting, enticing or harboring a child for prostitution; providing a criminal penalty; establishing the crime of promoting and advancing prostitution; defining a house of prostitution in context of promoting prostitution; permitting character evidence; providing criminal penalty, including additional fine; establishing the offense of sexual solicitation; providing a criminal penalty including additional fine; providing an affirmative defense to sexual solicitation for victims of trafficking; providing affirmative defenses to prostitution relating to human trafficking, abduction and mental defect or incapacitation; establishing aggravating circumstances, restitution, and eligibility for Compensation Award to Victims of Crimes; providing that law enforcement notify Department of Health and Human Resources of child victims; providing that any property used for or derived from prostitution is subject to forfeiture; providing that persons convicted be debarred from state or local contracts; defining indecent exposure; clarifying that criminal indecent exposure cannot occur if victim grants permission; classifying criminal penalties for indecent exposure; classifying criminal penalties for inhaling or drinking certain intoxicating compounds; delineating crime of incest; defining 'step-relative' in context of the crime of incest; establishing that intercourse between two consenting adult step-relatives is not incest; classifying criminal penalty for incest; defining desecration and classifies criminal penalties for unlawful disinterment, desecration, injury to a grave marker or damage to cemetery; prohibiting certain demonstrations at a funeral; classifying criminal penalty for prohibited funeral demonstrations; classifying criminal penalty for obscene, anonymous and threatening phone calls; classifying criminal penalties for cruelty to animals; classifies criminal penalty for animal fighting, attending an animal fighting venture, or wagering at an animal fighting venture; establishing circumstances, sufficiency and application of a search warrant related to animal cruelty; extending search warrant authority for

birds or animals kept for fighting to natural resources police; clarifying extent of searches without a warrant for fighting animals or birds; creating and defining the crime of sexual abuse of an animal and prescribing penalties, including providing for forfeiture of animals, payment of associated costs, providing for restrictions on owning animals upon conviction; and requiring psychiatric evaluation and payment of costs in certain circumstances; classifying criminal penalty for unlawful admission of children to places injurious to health or morals; classifying criminal penalty for under age false identification; classifying criminal penalty for criminal invasion of privacy; classifying criminal penalty for nonconsensual public disclosure of private intimate images; classifying criminal penalty for criminal loitering within certain distances of minor victims of sexually violent offenses or offenses; classifying penalties for disclosing or making photographs of accident or emergent situations public; classifying penalties for therapeutic deception; classifying penalties for therapeutic deception; expanding definition of computer applied to obscene matter and minors; classifying criminal penalties for distribution and display to minor of obscene matter; classifying criminal penalties for use of obscene matter with intent to seduce minor; classifying criminal penalties for use of minor to produce obscene matter or assist in doing sexually explicit conduct; classifying criminal penalties for sexual assault in the first degree; classifying criminal penalties for sexual assault in the second degree; classifying criminal penalties for sexual assault in the third degree; providing definitions of terms related to the criminal offense of sexual extortion; establishing the elements of the crime of sexual extortion; classifying criminal penalties for sexual abuse in the first degree; classifying criminal penalties for sexual abuse in the second degree; classifying criminal penalties for sexual abuse in the third degree; classifying enhanced criminal penalties for subsequent offenses committed by those previously convicted of sexually violent offenses against children; classifying criminal penalties for imposition of sexual acts on persons incarcerated or under supervision; delineating evidentiary standards for sexual offenses; delineating how courts may terminate certain parental rights when person is convicted for offenses against children; specifying that ignorance of victim creates incapacity to consent;



allowing court to require payment of treatment cost for victim; providing limits on interviews of children 11 years old or less; providing for Forensic Medical Examination Fund for training of sexual assault nurse examiners; providing for payment for costs of forensic medical examination; requiring study of reimbursement of such costs and associated recordkeeping, disclosure standards, and confidentiality; providing a definitions of 'coerce' and 'visually portray' in the context of the crime of filming sexually explicit conduct of minors; classifying criminal penalty for producing a visual portrayal of a minor in sexually explicit conduct; providing for enhanced penalty when parent distributes material displaying a child under their care in sexually explicit conduct; classifying penalties when any person distributes or exhibits material displaying a minor in sexually explicit conduct; classifying penalties for production, display or distribution of visual portrayals of partially clothed minors; defining 'visual portrayal' in context of prohibited possession, manufacture or distribution of inappropriate sexual portrayals by a minor; clarifying the definition of 'parent' in context of child abuse to include step or foster parent; classifying criminal penalties for murder of custodial child for failure or refusal to supply necessities; clarifying definition of 'recognized method of religious healing' in context of murder of custodial child for failure or refusal to supply necessities; classifying criminal penalties for death of a child by child abuse; classifying criminal penalties for child abuse causing or creating a risk of injury; classifying the criminal penalty for female genital mutilation; classifying the criminal penalty for child neglect resulting in death; in context of the crime of child neglect resulting in death, clarifying that care through recognized method of religious healing in lieu of medical treatment may not constitute neglect; defining recognized method of religious healing; classifying the criminal penalty for sexual abuse by a parent, guardian, custodian or person in a position of trust to a child; classifying the criminal penalty for procuring, authorizing or inducing another to engage in sexual acts with a child under their care or custody; sexual abuse by a parent, guardian, custodian or person in a position of trust to a child; parent, guardian, custodian, or person in a position of trust procuring, authorizing, inducing a to a child 16 or older; definition of terms related to nuisances;

designated elements for maintaining a nuisance; providing standing to bring an action to abate a nuisance; venue for a nuisance action; evidence and proof related to an action to abate nuisance; provisions and procedures related to an action to enjoin a nuisance; prima facie evidence of a nuisance; prosecution of a nuisance complaint; provisions for dismissal of a nuisance action; award of costs related to a nuisance action; when existence of nuisance established permanent injunction required; order of abatement for a nuisance; elements of a nuisance abatement order; removal and sale of movable property from a nuisance; liability of officers disposing of property from a nuisance proceeding; criminal offense of contempt related to nuisance proceedings; definition of terms related to gaming and gambling; criminal offense for possessing or dealing in unlicensed gaming devices or permitting an unlicensed gambling device on premises under unauthorized ownership, leasehold, occupation or possession; seizure of unlicensed gaming or gambling devices; criminal offense of acting as a guard or interfering with lawful intervention for gambling premises; criminal offense of unauthorized wagering on outcomes of uncertain events or prohibited games; criminal offense of betting on games of chance; criminal offense for a unauthorized commercial gambling at a hotel or tavern; criminal offense for cheating at gaming; criminal offense of unauthorized dealing in gambling device; defining lottery and raffle; criminal offense for unauthorized operation of an illegal lottery or raffle; criminal offense for unauthorized sale of a voucher or certificate for gambling on outcome of sporting events, games of skill or other sport or contest; declaring premises for unauthorized commercial gambling a nuisance; providing that proceeds of an illegal lottery forfeit to the state; criminal offense of keeping policy or numbers slips; seizure of designated gambling devices and equipment; providing seizure authority for gambling articles or apparatuses; classifying criminal penalties for crime of certain public officials with pecuniary interest in certain public contracts; classifying the criminal offense of unlawful showing of pictures, advertisement or theatrical productions calculated to arouse prejudicial ire or feelings; classifying the criminal offense of lobbying on the floor of the Legislature; classifying the crime of employers who fail or refuse to pay contracted employment benefits or contributions;

clarifying the elements of the crime of bribery of participants in professional or amateur games and horse racing; classifying the criminal penalty for debt pooling; clarifying the elements of the crime of debt pooling; classifying the criminal penalty for failure to maintain and affix a cover for a water well; classify the penalty for the crime of conspiracy; classify the penalty for the crime of unlawful contact with a corrections employee or a member of the parole board; classifying the penalty for prohibited sale of certain caffeine products; generally providing for the sentence of felons; providing corruption of blood and forfeiture of estate abolished; providing the commission of a felony shall not stay or merge any civil remedy; classifying the criminal penalties for punishment of principals in the second degree and designated accessories; delineating attempt crimes and the classification and penalties for the same; classifying the criminal penalties for solicitation to commit certain crimes; delineating punishments for second or third offense of felony; explaining the treatment of cumulative sentences; providing for pretrial diversion agreements, conditions of the same, and for drug court programs; providing for deferred adjudication; providing for expungement of certain criminal convictions with approved treatment or recovery and job program; providing for limitation on expungement for certain motor vehicle traffic control offenses; classifying the criminal penalties for crimes related to post mortem examinations; classifying the criminal penalties for failing to secure a cremation permit; clarifying evidentiary admissibility of autopsy reports and investigations; classifying the penalties for organized criminal enterprise offenses; classifying the criminal penalties for the offense of human trafficking; classify the criminal penalties for the offense of forced labor; classifying the criminal penalties for the offense of using adults or minors in debt bondage; classifying the criminal penalties for the offense of coercing or compelling an individual to engage in commercial sexual; classifying the criminal penalties for the offense of patronizing a victim of sexual servitude; establishing that an individual convicted of a human trafficking offense who is sentenced to life without mercy is not eligible for parole; providing immunity for minor victims of sex trafficking; providing for vacation and expungement of criminal conviction for persons sexually trafficked; classifying the criminal penalty for

money laundering; classifying the criminal penalty for prohibited use of unmanned aircraft systems; classifying criminal offenses and respective sentencing dispositions; establishing that felonies are classified into six categories and misdemeanors are classified into three categories; providing that petty offenses are not classified; establishing that criminal classification is derived from the defining criminal section or chapter; establishing that petty offenses are specifically designated to include any crime without specified designation or classification; providing that offenses noted outside Chapter 61 which are not designated as a felony, misdemeanor or petty offense, are punished under the prescribed statutory penalty; unless provided otherwise felony imprisonment sentence is a term of definite years; establishing respective range of felony terms of imprisonment into six classifications; establishing respective range of misdemeanor terms of imprisonment within three classifications; providing discretion to the sentencing court to treat a Class 6 felony as a Class 1 misdemeanor with noted exceptions; providing the trial court impose its sentence within designated range of maximum and minimum terms; requiring the court to consider aggravating and mitigating circumstances as well as the pre-sentence report; providing potential increased sentence for crimes near a school which may exceed maximum sentencing limits; provides that a felony sentence must be a definite term of years served in the state Department of Corrections; establishing requirements for transfer of custody; providing a range of imprisonment term for all six felony classes; providing that misdemeanor sentences are for a definite term to be served at somewhere other than the state Department of Corrections; establishing respective limitations of imprisonment for the three classes of misdemeanors; providing discretion to the court, in certain circumstances, to treat a Class 6 felony as a Class 1 misdemeanor; providing for reimbursement of incarceration costs for misdemeanor offenses; providing court with discretion to increase sentence by one year for offenses near a school; establishing that school vicinity sentence enhancement may exceed statutory limit; further providing that if the victim of an offense is a child but is not within the designated range of a school that the court may consider relevant circumstances and increase the sentence two years; establishing fines for felony

offenses; establishing fines for misdemeanor offenses; for purposes of sentencing, defining an 'enterprise' as any entity other than a person; providing graduated penalty of fines imposed upon enterprise for criminal offenses; establishing that a judgment of fine against an enterprise constitutes a lien; establishing relevant factors for the court to consider when sentencing an enterprise for criminal conduct; requiring the court to order a person incarcerated for a criminal offense to pay incarceration costs; establishing factors for the court to consider when assessing payment of incarceration costs; providing that an alleged victim of sexual offense may not be required to submit to a polygraph examination or other truth telling device as a condition of investigating an alleged offense nor may prosecutors or law-enforcement officers decline to proceed if the victim refuses such examination; delineating eligibility for probation; and, providing for a period of extended supervision for certain sexual offenders"; to the Committee on the Judiciary.

**By Delegate Linville:**

**H. B. 2528** - "A Bill to amend and reenact §17-3-2, of the Code of West Virginia, 1931, as amended; relating to payments from the state road fund; authorizing transfer of spending authority between appropriations; and requiring reports to the Governor and the Joint Legislative Commission of the Department of Transportation Accountability"; to the Committee on Finance.

**By Delegates Zatezalo, Barnhart, Cooper, Howell, Anderson, Smith, Linville, Willis, Criss, Butler and Chiarelli:**

**H. B. 2529** - "A Bill to amend and reenact §3-10-3 of the Code of West Virginia, 1931, as amended, relating to when vacancies in the office of magistrate shall be filled by election or appointment; clarifying that when a vacancy in the office of magistrate creates an unexpired term of more than three years the vacancy shall be filled by election; and clarifying that when a vacancy in the office of magistrate creates an unexpired term of less than three years the vacancy shall be filled by appointment"; to the Committee on the Judiciary.

**By Delegate Linville:**

**H. B. 2530** - "A Bill to amend and reenact §17A-6-15 of the Code of West Virginia, 1931, as amended; to amend and reenact §17A-6B-10 of said code; and to amend and reenact §17A-6C-11, all relating to the extension of the expiration of temporary registration plates from sixty days to ninety days"; to the Committee on Technology and Infrastructure.

**By Delegate Linville:**

**H. B. 2531** - "A Bill to amend and reenact §17-4-8, of the Code of West Virginia, 1931, as amended; relating to use of state road for rail crossing; requiring cooperation between the rail company and the Division of Highways when construction or maintenance activities are conducted by the company"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Cooper, Longanacre, Anderson, Reynolds, Zatezalo, Heckert, Sheedy and Smith:**

**H. B. 2532** - "A Bill to amend and re-enact §9A-1-9, of the Code of West Virginia, 1931, as amended, relating to the creation of a liaison program with the federal Department of Veterans Affairs Transition Assistance Program in order to actively inform separating and retiring active component service members of the many incentives in relocating to West Virginia upon their conclusion of active service"; to the Committee on Veterans' Affairs and Homeland Security then Government Organization.

**By Delegate Linville:**

**H. B. 2533** - "A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, 1931, as amended, relating to a permanent windshield placard to be valid for the duration of the applicant's life"; to the Committee on Technology and Infrastructure.

**By Delegates Summers and Forsht:**

**H. B. 2534** - "A Bill to repeal §5-16-5a and §5-16-5b of the Code of West Virginia, 1931, as amended; to amend and reenact §5-16-2, §5-16-3, §5-16-4, §5-16-5, §5-16-7, §5-16-7b, §5-16-7c, §5-16-7g, §5-16-8, §5-16-9, §5-16-10, §5-16-11, §5-16-13, §5-16-14, §5-16-15, §5-16-16, §5-16-18, §5-16-23, §5-16-25, §5-16-26, §5-16-28; and to amend said code by adding thereto one new

section, designated §5-16-30; relating to public employees insurance"; to the Committee on Banking and Insurance then Finance.

**By Delegates Summers, Tully, Forsht and Petitto:**

**H. B. 2535** - "A Bill to amend and reenact §5-16-7f of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §9-5-31; to amend and reenact §33-15-4s of said code; to amend and reenact §33-16-3dd of said code; to amend and reenact §33-24-7s of said code; to amend and reenact §33-25-8p of said code; and to amend and reenact §33-25A-8s of said code, all relating to prior authorizations; defining terms; requiring prior authorizations and relating communications to be submitted via an electronic portal; requiring electronic notification to the health care provider and insured confirming receipt of the prior authorization; establishing timelines for compliance; providing communication via the portal regarding the current status of the prior authorization; reducing timeframes for prior authorization requests; providing a timeframe for a decision to be rendered after the receipt of additional information; providing a timeframe for a claim to be submitted to audit or if the step therapy is incomplete; requiring a provider conducting peer review to be licensed in West Virginia; revising the percentage approval for a health care provider to be considered for an exemption from prior authorization criteria; removing criteria related to electronic submission of pharmacy benefits; amending effective date; requiring oversight and data collection by the Office of the Insurance Commissioner and the Inspector General; providing for civil penalties"; to the Committee on Health and Human Resources.

**By Delegates Summers, Tully, Forsht, Miller and Heckert:**

**H. B. 2536** - "A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating to compulsory immunizations; permitting physicians to provide exemption certificates relating to required immunizations; and removing requirement for certain personnel to report persons not immunized"; to the Committee on Health and Human Resources.

**By Delegates Summers, Kelly, Petitto, Heckert, Forsht and Foggin:**

**H. B. 2537** - "A Bill to amend and reenact §47-18-3 of the Code of West Virginia, 1931, as amended, relating to prohibiting certain contract provisions"; to the Committee on the Judiciary.

**By Delegates Summers, Shamblin, Forsht, Miller, Hite, Heckert, Petitto and Pinson:**

**H. B. 2538** - "A Bill to amend and reenact §49-1-203 of the Code of West Virginia, 1931, as amended, to amend and reenact §49-2-111c of said code, all relating to foster care"; to the Committee on Senior, Children, and Family Issues then Health and Human Resources.

**By Delegates Westfall, Hott and Barnhart:**

**H. B. 2539** - "A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17D-7-1, §17D-7-2, §17D-7-3, §17D-7-4, §17D-7-5 and §17D-7-6, all relating to creating the Delivery Network Company Insurance Act; setting forth definitions; clarifying interaction with other code provisions; setting forth insurance requirements; providing for disclosures to delivery network drivers; providing for exclusions in motor vehicle liability insurance policies; and identifying the effective date"; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Westfall and Hott:**

**H. B. 2540** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-62-1, §33-62-2, §33-62-3, §33-62-4, §33-62-5, §33-62-6, §33-62-7, §33-62-8, §33-62-9, §33-62-10, §33-62-11, §33-62-12, §33-62-13, §33-62-14, §33-62-15, relating to adopting the Travel Insurance Model Act; giving this act a short title; listing the scope and purposes; providing definitions; providing licensing and registration requirements; establishing a premium tax; setting a competitive market; establishing forms and rates; setting methods enabling the Commissioner to set pricing structure; establishing acceptable sales practices; establishing requirements for travel administrators; setting registration requirements; allowing for both individual and group policies; granting the Commissioner



enforcement powers; granting rulemaking for the Commissioner; and setting an effective date"; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Criss:**

**H. B. 2541** - "A Bill to amend and reenact §16-5Y-2, §16-5Y-3, §16-5Y-5, §16-5Y-6, §16-5Y-7, §16-5Y-8, and §16-5Y-10 of the Code of West Virginia, 1931, as amended, all relating to creating a licensing requirement for the operation of inpatient provider facilities treating substance use disorder"; to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources.

**By Delegates Coop-Gonzalez, C. Pritt, Martin, Kirby, Phillips, Sheedy, Nestor, Brooks and Willis:**

**H. B. 2542** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5A-6D-1, §5A-6D-2, and §5A-6D-3, all relating to the creation of the 'No TikTok on Government Devices Act'; providing for a definition; and providing for enactment of the article"; to the Committee on Government Organization.

**By Delegate Criss:**

**H. B. 2543** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-66-1, §16-66-2, §16-66-3, §16-66-4, §16-66-5, §16-66-6, §16-66-7, §16-66-8, §16-66-9, and §16-66-10, all relating to residential substance use disorder service programs; defining terms; establishing licensure application process for substance use disorder service programs; creating program requirements; establishing revocation process; setting forth the reconsideration process; setting forth the administrative due process provision; providing for administrative and judicial appeal; establishing reporting requirements and renewal provisions; setting requirements for continuum of care; and establishing civil penalties and injunctive relief"; to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources then the Judiciary.

**By Delegate Criss:**

**H. B. 2544** - "A Bill to amend and reenact §16-62-2 of the Code of West Virginia, 1931, as amended, relating to making the investigation and enforcement of the Patient Brokering Act the responsibility of the Office of Health Facility Licensure and Certification ('OHFLAC'); and requiring OHFLAC to develop a tool to facilitate public complaints about the Patient Brokering Act"; to the Committee on Health and Human Resources.

**By Delegate Criss:**

**H. B. 2545** - "A Bill to amend and reenact §9-2-6 of the code of West Virginia, 1931, as amended, relating to requiring the Secretary of Human Services to engage behavioral health and substance use disorder providers, municipal leaders, and county government leaders to study a breakdown of homeless demographic information throughout West Virginia; and report the findings of the study to the President of the Senate, Speaker of the House of Delegates, and the Joint Committee on Government and Finance"; to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources.

**By Delegate Criss:**

**H. B. 2546** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-53-4, relating to requiring substance use disorder inpatient providers to provide transportation to their patients; to prohibit certain marketing or partnering, and requiring approval for limitation of eligibility"; to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources.

**By Delegates C. Pritt, Horst, Coop-Gonzalez, Dean, Kirby, Kimble, Martin, Nestor and Longanacre:**

**H. B. 2547** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-17-1, §62-17-2, §62-17-3, §62-17-4, §62-17-5, §62-17-6, §62-17-7, §62-17-8, §62-17-9, §62-17-10, §62-17-11, §62-17-12, §62-17-13, §62-17-14, §62-17-15, §62-17-16, §62-17-17, §62-17-18, §62-17-19, §62-17-20, §62-17-21, §62-17-22, §62-17-23, §62-17-24, §62-17-25, §62-17-26, §62-17-27, §62-17-28, and §62-17-29, all relating to the criminal forfeiture process act; titling the act;

establishing applicability; defining terms; establishing the process for seizure; requiring a conviction for forfeiture; defining jurisdiction; establishing restraints and exceptions for seizure; creating exceptions; establishing the process for secured interest holders and property owned by innocent parties; establishing the process for property covered by a lien; establishing the process for payment of fees and costs; and creating sales restrictions"; to the Committee on the Judiciary.

**By Delegates Kelly, Hott, Phillips, Honaker, Riley, Jeffries, Sheedy, Heckert, Shamblin, Petitto and Forsht:**

**H. B. 2548** - "A Bill to amend and reenact §17B-2-1c of the Code of West Virginia, 1931, as amended, relating to temporary identification cards for released inmates; clarifying that the temporary identification cards are issued at no cost to the inmate; and extending the validity of the temporary identification cards"; to the Committee on Jails and Prisons then the Judiciary.

**By Delegates Smith, Horst, Phillips, Crouse, Clark, Householder, Jennings, Tully, Honaker, Ellington and Longanacre:**

**H. B. 2549** - "A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating to possessing deadly weapons on premises of educational facilities; and authorizing teachers in elementary or secondary schools to carry concealed firearms and be designated as a school protection officer"; to the Committee on Education then the Judiciary.

**By Delegates Smith, Horst, Phillips, Crouse, Pinson, Honaker, Howell, Steele, Dean, Ellington and Longanacre:**

**H. B. 2550** - "A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §61-7-18, all relating to carrying a concealed handgun by off duty or retired law-enforcement officers; authorizing off duty or retired law-enforcement officers to conceal carry on and in the State Capitol Complex; and to define terms"; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2551** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-8-1b, relating to ensuring that qualified homeschool graduates are given the same postsecondary educational and career opportunities as those in public, private, or parochial schools"; to the Committee on Education.

**By Delegates Hansen, Young, Williams and Walker:**

**H. B. 2552** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-1-4, relating to requiring disclosure of the lawful activity that is the basis of a permit application with the Department of Environmental Protection; and providing exceptions thereto"; to the Committee on Energy and Manufacturing then the Judiciary.

**By Delegates Nestor, Horst, Hanna, Longanacre, Martin, Hott, Barnhart, Kump, Storch, Phillips and Honaker:**

**H. B. 2553** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-63, relating to discounting lifetime hunting, fishing, and trapping fees for persons honorably discharged from the United States armed forces; providing that the lifetime hunting, trapping, and fishing licenses and permits are discounted by 75 percent for this class of persons; including eligibility requirements; requiring compliance with all other requirements to obtain lifetime license; and granting rulemaking authority"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

**By Delegates Smith, Westfall, Zatezalo, Pushkin, Phillips, Crouse, Householder, Steele, Ellington, Dean and Martin:**

**H. B. 2554** - "A Bill to amend and reenact §60-6-10 of the Code of West Virginia, 1931, as amended, relating to allowing a person to manufacture a stated amount of alcoholic liquor for personal consumption"; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2555** - "A Bill to amend and reenact §61-2-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto seven new sections, designated §61-2-2a, §61-2-2b, §61-2-

2c, §61-2-2d, §61-2-2e, §61-2-2f, and §61-2-2g; and to amend said code by adding thereto four new sections, designated §62-7-4, §62-7-5, §62-7-6, and §62-7-6a; to repeal §61-11-2 of said code; and to repeal §62-3-15 of said code, all relating to death penalty for first degree murder; procedures, standards, and findings applicable to imposition thereof in certain instances including aggravating and mitigating circumstances; sentencing; providing automatic review of the death penalty by the Supreme Court of Appeals; providing for forensic deoxyribonucleic acid ('DNA') testing of biological material in death penalty cases; providing for execution of the death sentence by lethal injection; providing for delivery of sentence of death to officer retaining custody of person so sentenced; providing for transmission of indictment, order of conviction, sentence, and judgment entered thereon to the warden of the state correctional facility; transfer of person sentenced to death to the state correctional facility; execution; providing presence of certain persons be requested for the execution; providing for certification that sentence of death has been executed; and providing for disposition of the body"; to the Committee on the Judiciary then Finance.

### **Miscellaneous Business**

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

**H. B. 2070:** Delegate Hillenbrand;

**H. B. 2016:** Delegate Espinosa;

**H. B. 2080:** Delegate Fehrenbacher;

**H. B. 2136:** Delegate Hillenbrand;

**H. B. 2228:** Delegate Espinosa;

**H. B. 2407:** Delegate Barnhart;

**H. B. 2506:** Delegates Fehrenbacher and Chiarelli;

And,

**H. B. 2523:** Delegate Espinosa.

At 11:12 a.m., the House of Delegates adjourned until 11:00 a.m., Monday, January 16, 2023.

---

Monday, January 16, 2023

**SIXTH 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 Friday, January 13, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2506**, Creating a title clearinghouse for non-resident businesses,

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

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

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

**H. B. 2017**, Relating to service of process in child abuse cases,

And,

**H. B. 2029**, Repealing the creation of an all-payor claims database,

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

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

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

**H. B. 2018**, Permitting the managed care case coordinator to attend the multidisciplinary team meeting,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2018** – “A Bill to amend and reenact §49-4-405 and §49-4-406 of the Code of West Virginia, 1931, as amended, all relating to designating the managed care case coordinator as a member of the multidisciplinary team”,

With the recommendation that the committee substitute do pass.

### **Messages from the Senate**

A message from the Senate, by

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

**S. B. 126** - “A Bill to amend and reenact §5F-1-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §5F-2-1 and §5F-2-2 of said code; to amend and reenact §6-7-2a of said code; to repeal §9-1-1 of said code; to amend and reenact §9-1-2 of said code; to amend and reenact §9-2-1 of said code; to repeal §9-2-1a of said code; to amend and reenact §9-2-2, §9-2-5, and §9-2-6, of said code; to repeal §9-2-9 of said code; to amend and reenact §9-2-13 of said code; to amend said code by adding thereto



a new section designated, §9-2-14; to amend and reenact §16-1-2, §16-1-3, §16-1-4, and §16-1-6; to amend said code by adding thereto a new section designated, §16-1-22; to amend and reenact §26-1-1, §26-1-2, and §26-1-3; to amend said code by adding thereto a new section, designated §26-1-4; to repeal §26-3-1, §26-3-2, §26-3-3, §26-3-4, and §26-3-5 of said code; to repeal §26-5-1 of said code; to repeal §26-5A-5a of said code; to repeal §26-8-1, §26-8-2, and §26-8-3 of said code; to repeal §26-9-1 and §26-9-2 of said code; to repeal §26-10-1 of said code; to repeal §26-11-1, §26-11-2, §26-11-3, and §26-11-4 of said code; to repeal to amend and reenact §48-18-101 of said code; and to amend and reenact §49-1-106 of said code; all relating to reorganizing the Department of Health and Human Resources”; which was referred to the Committee on Health and Human Resources then Finance.

A message from the Senate, by

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

**S. B. 127** - “A Bill to amend and reenact §5-16-20 and §5-16-25 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto by adding a new section, designated §5-16-30, all relating to the West Virginia Public Employees Insurance Act; requiring the Public Employees Insurance Agency finance board to supplement reimbursements with reserve funds; reimbursement of hospital inpatient rates by the plan; reimbursement of emergency medical service providers and agencies rates by the plan; and naming of funds within the Public Employees Insurance Agency”; which was referred to the Committee on Banking and Insurance then Finance.

A message from the Senate, by

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

**S. B. 128** - “A Bill to amend and reenact §15-5-2 and §15-5-6 of the Code of West Virginia, 1931, as amended, all relating to states of emergency and preparedness; defining terms; clarifying

the authority of the Governor and the Legislature to proclaim or declare states of emergency and preparedness; creating two classes of states of preparedness and establishing the criteria therefor; establishing the initial duration of gubernatorially proclaimed states of emergency and preparedness and the requirements for extending same; expanding and clarifying the powers of the Governor as to what he or she may order under proclamations of states of emergency and preparedness; expressly limiting the Governor's authority to order certain actions in an executive order issued pursuant to a proclamation or declaration of a state of emergency or preparedness; clarifying that the declaration of a state of preparedness has the same effect as a declaration of a state of emergency for the purposes of the Emergency Management Assistance Compact and the Statewide Mutual Aid System; and stating that the powers granted as to orders issued under states of emergency do not include the authority to limit the lawful possession and use of firearms and ammunitions"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

**S. B. 129** - "A Bill to amend and reenact §4-11-5 of the Code of West Virginia, 1931, as amended, relating to limiting gubernatorial authority to spend certain amounts of federal funds without appropriation from the Legislature"; which was referred to the Committee on Government Organization then Finance.

A message from the Senate, by

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

**S. B. 130** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-9b; relating to prohibiting a school district, a public charter school, the West Virginia Board of Education, the West Virginia Department of Education, or any employee of the aforementioned entities,

within the scope of his or her employment, from requiring or otherwise compelling a student, teacher, administrator, or other employee to affirm, adopt, or adhere to certain specified concepts; limiting prohibitions; providing that complaints may be filed pursuant to current state board policy; requiring reports of substantiated complaints to the Legislative Oversight Commission on Education Accountability annually; and allowing the state board to promulgate rules”; which was referred to the Committee on Education then the Judiciary.

A message from the Senate, by

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

**S. B. 131** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-15-28, relating to municipal fire departments; providing for municipal fire departments to provide service weapons to municipal fire marshal upon retirement in certain circumstances; and allowing the sale of retired service weapons to active and retired fire marshals”; which was referred to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

A message from the Senate, by

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

**S. B. 132** - “A Bill to amend and reenact §61-2-9a of the Code of West Virginia, 1931, as amended, relating to clarifying the criminal offense of harassment; and clarifying that stalking is a form of harassment”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**S. B. 133** - “A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to adding definition of ‘ammunition’ for purposes of the live fire requirement for obtaining a license to carry a concealed deadly weapon; and clarifying that marked rounds and training ammunition may be used in the required training course”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**S. B. 134** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6O-1, §46A-6O-2, §46A-6O-3, §46A-6O-4, §46A-6O-5, and §46A-6O-6, all relating to automatic purchase renewal offers and continuous service offers; stating legislative intent; defining terms; setting notice and disclosure requirements for automatic purchase renewal offers and continuous service offers; providing that a business may not charge the consumer for an automatic renewal or continuous services without first obtaining the consumer’s affirmative consent; providing acknowledgement requirements; providing that a business shall disclose how to cancel the automatic renewal or continuous service before the consumer pays, if the offer includes a free gift or trial; providing that a business shall provide certain mechanisms for cancellation of the automatic renewal or continuous offer in the acknowledgement; requiring a business to provide contact information to the consumer; providing means for terminating the automatic renewal or continuous service offer online; providing notice requirements in the case of material changes in the terms of the automatic renewal or continuous service; providing that a business shall provide to the consumer a reminder of the recurring charge and information on how the consumer may cancel at least 30 days prior to the charge in the case of automatic renewal or continuous service offers of certain frequency; providing a period of application; providing that goods, wares, merchandise, or products shall be deemed an unconditional gift to the consumer when the business sends any goods, wares,

merchandise, or products to a consumer without first obtaining the consumer's affirmative consent under a continuous service agreement or automatic renewal of a purchase; providing a civil cause of action; providing statutory penalties; providing that no action may be brought until written notice is provided by the consumer, or his or her representative, to the business; providing written notice requirements; providing mailing requirements; providing the business an opportunity to cure the alleged violation; providing for expiration of the cure offer and cure period; providing a period for the business to remit payment, if any, as specified in the accepted cure offer; providing that a claim may be brought for failure of the business to timely effect the accepted cure offer; providing that the written notice is a jurisdictional prerequisite to bringing a cause of action; prohibiting certification of certain class action litigation; providing the court discretion to award plaintiff costs of the action, including reasonable attorney's fees; providing that plaintiff is not entitled to costs and attorney's fees under certain circumstances; providing a statute of limitations; providing for tolling of the statute of limitations; and providing exemptions"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**S. B. 135** - "A Bill to amend and reenact §60A-4-416 of the Code of West Virginia, 1931, as amended, relating generally to the Uniform Controlled Substances Act; defining and clarifying the phrases 'engaged in the illegal use of a controlled substance with another person' and 'seek medical assistance'; and establishing criminal penalties"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**S. B. 136** - “A Bill to amend and reenact §62-12-2 and §62-12-9 of the Code of West Virginia, 1931, as amended, all relating generally to judicial treatment of sex offenses; requiring persons convicted of certain offenses to undergo psychological or psychiatric testing and have a treatment plan to be eligible for probation; and expanding the list of offenses for which a defendant has been convicted which precludes the defendant from residing with minor children or having any contact with the victims”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**S. B. 137** - “A Bill to amend and reenact §61-2-14a and §61-2-14g of the Code of West Virginia, 1931, as amended, all relating generally to the offenses of kidnapping and unlawful restraint; clarifying the distinct elements of the separate offenses; removing redundant language; and making grammatical corrections”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**S. B. 138** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §2-1-3, relating to clarifying secondary sources are not the law and public policy of West Virginia in certain instances; and permitting the use of certified questions on issues of first impression in certain circumstances”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2023, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 139** - “A Bill to amend and reenact §18-5-4 of the Code of West Virginia, 1931, as amended, relating to requiring each county board of education to ensure that all of its meetings are open to the public through in-person attendance and that the audio and video of its meetings are broadcast live to the public through an internet link on its website; requiring each county board to ensure that the audio and video is recorded and that the recording is also available through a link on its website; allowing meeting to continue if the live broadcast experiences a technical interruption in which the stream is discontinued or digitally interrupted; providing exception for executive session; allowing each county board to make and enforce reasonable rules for attendance and presentation at any meeting where there is not room enough for all members of the public who wish to attend; requiring the county board, if providing opportunity for the public to address the school board at a meeting, to ensure that any person expressing an interest in speaking has the opportunity in compliance with adopted procedures; requiring that speakers are treated equally; requiring that a draft of the minutes of each public board meeting include a record of the votes cast by each board member on all substantive matters and be posted to the website within two business days; establishing the duration in which the approved minutes shall remain on the website; and removing the option for a county board to join the National School Board Association”; which was referred to the Committee on Education.

A message from the Senate, by

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

**S. B. 140** - “A Bill to amend and reenact §61-2-13 of the Code of West Virginia, 1931, as amended, relating to the offenses of extortion and attempted extortion; including threats to publish images of a person’s intimate body parts as a means of committing extortion or attempted extortion; defining the phrase ‘anything of value, or other consideration’; to include certain defined sexual acts and defining images of intimate body parts; and setting forth

criminal penalties”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**S. B. 141** - “A Bill to amend and reenact §5H-1-2 and §5H-1-3 of the Code of West Virginia, 1931, as amended, all relating to adding Division of Corrections and Rehabilitation employees working at institutions managed by the commissioner to the WV Emergency Responders Survivor Benefits Act; defining the qualifying acts for eligibility for payment of survivor benefits for Division of Corrections and Rehabilitation personnel to include, but not be limited to, training functions, administrative meetings, corrections or parole incidents or activities, interactions with inmates, former inmates, inmates or former inmates' family or associates, parolees, former parolees, former parolees' family or associates, and travel to or from any of these activities; and creating a retroactive effective date of March 14, 2021”; which was referred to the Committee on Jails and Prisons then Finance.

A message from the Senate, by

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

**S. B. 142** - “A Bill to amend and reenact §44-2-1 and §44-2-29 of the Code of West Virginia, 1931, as amended; to amend and reenact §44-3A-4a and §44-3A-19 of said code; and to amend and reenact §44-4-9 of said code, all relating to the procedure to settle estates of decedents; abolishing the requirement to publish a short form settlement of estates of decedents; providing for short form filing procedure; and updating language and style”; which was referred to the Committee on the Judiciary.



A message from the Senate, by

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

**S. B. 143** - “A Bill to amend and reenact §22-15A-3a of the Code of West Virginia, 1931, as amended, relating to the Adopt-A-Stream Program; requiring volunteers 17 years of age or younger be accompanied by an adult; changing streams eligible for participation in program; altering process for selecting stream participation in program; allowing department to approve or deny applications at its discretion; expanding sources of funding to support program; lengthening period of stream participation from one to three years; altering method of collection of stream litter; and requiring one cleanup of the river prior to road signs being erected”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

**S. B. 145** - “A Bill to amend and reenact §18-2B-2a of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-9D-19 of said code, all relating to allowing a county board of education participating in the operation of a multicounty vocational center to withdraw; allowing any county board participating in a multicounty vocational center to determine that a career technical education program be part of the local high school; and modifying provisions pertaining to construction of a comprehensive vocational facility by a county board served by a multicounty vocational technical facility”; which was referred to the Committee on Education.

A message from the Senate, by

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

**S. B. 146** - “A Bill to amend and reenact §17A-6F-1, §17A-6F-2, §17A-6F-3, §17A-6F-5, §17A-6F-7, and §17A-6F-13 of the Code of West Virginia, 1931, as amended, all relating to the regulation of peer-to-peer car sharing program; modifying scope of regulation of peer-to-peer car sharing program; modifying certain definitions; modifying and eliminating certain provisions governing insurance coverage during car sharing period; modifying provision governing exclusions for vehicle liability insurance; clarifying provision governing exemption for vicarious liability; and inserting stylistic citation in notification requirements imposed on peer-to-peer car sharing programs”; which was referred to the Committee on Banking and Insurance then the Judiciary.

A message from the Senate, by

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

**S. B. 147** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §37-6-5a; to amend and reenact §37-6A-5 of said code; and to amend and reenact §55-3A-1 of said code, all relating to residents of recovery residences; creating pilot program for recovery residences located in Cabell County as such residences relate to landlord-tenant law; defining terms; providing that resident of recovery residence may be immediately discharged in certain circumstances; establishing procedures for removing recovery resident; establishing refund process for fees for residency or services paid to recovery residence; requiring return transportation be provided to individual transported to recovery residence from outside State of West Virginia; requiring reporting of certain information to West Virginia Department of Health and Human Resources’ Bureau for Behavioral Health; requiring West Virginia Department of Health and Human Resources’ Bureau for Behavioral Health to prepare and submit written report to Joint Committee on Government and Finance and specifying minimum contents; clarifying effect on rights under the West Virginia Fair Housing Act; providing sunset date; requiring award of reasonable attorney's fees against recovery

residence in certain instances; and requiring recovery residence file petition for summary relief for wrongful occupation of residential rental property in certain circumstances”; which was referred to the Committee on Health and Human Resources then the Judiciary.

A message from the Senate, by

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

**S. B. 148** - “A Bill to amend and reenact §7-12-3 of the Code of West Virginia, 1931, as amended, relating to municipalities required to be represented on county authority boards; and providing that only municipalities with 1,000 or more residents are required to be represented on a county authority board”; which was referred to the Committee on Political Subdivisions then the Judiciary.

A message from the Senate, by

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

**S. B. 149** - “A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to exempt property from taxation used exclusively for divine worship and the operation of a pre-K school, primary school, middle school, secondary school, daycare center, or church camp for children, which school, daycare center, or church camp is operated by the church which owns the property or is operated by another not-for-profit organization or entity”; which was referred to the Committee on Finance.

### **Resolutions Introduced**

The following resolution was introduced and referred as follows:

**By Delegates Toney, Statler, Vance, Ellington, Cooper, Dittman, Brooks, Shamblin, Foggin, Heckert and Kirby:**

**H. C. R. 5** – “Requesting the Joint Committee on Government and Finance study the legislative findings and public-school support plan in relation to §18-9A-1 of this code”; to the Committee on Education then Rules.

On motion for leave, a Joint Resolution was introduced and referred as follows:

**By Delegate McGeehan:**

**H. J. R. 15** - “Proposing an amendment to the Constitution of the State of West Virginia amending article X thereof by adding thereto a new section, designated section five-a, relating to taxes and fees; providing that bills imposing a tax or license fee and bills increasing the effective rate of any tax levied or fee imposed may not be enacted unless two thirds of the members of each house, present and voting, vote in the affirmative for passage; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of the proposed amendment”; to the Committee on Finance then the Judiciary.

### **Bills Introduced**

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

**By Delegates McGeehan, C. Pritt, Crouse, Phillips, Ridenour, Shamblin, Kimble, Ross, Coop-Gonzalez, Horst, and Lucas:**

**H. B. 2009** - “A Bill to amend and reenact §15-5-2 and §15-5-6 of the Code of West Virginia, 1931, as amended, all relating to the authority and obligations of the Governor and Legislature when in declared states of preparedness and emergency; clarifying the authority and obligations of the Governor during periods of preparedness and emergency; providing requirements for any proclamation or resolution issued relating to a state of preparedness or emergency; defining terms; specifying new criteria for the duration and termination of states of preparedness and emergency; providing for the extension of states of emergency and

preparedness by concurrent resolution of the Legislature and specifying the duration of such extensions; providing directives for lawsuits filed challenging actions taken pursuant to the authority granted herein; and updating references to a state agency”; to the Committee on Government Organization.

**By Delegates Brooks, Vance, Crouse, E. Pritt, Chiarelli and Willis:**

**H. B. 2556** - “A Bill to amend and reenact §20-2-27 of the Code of West Virginia, 1931, as amended, all relating to eliminating fees for hunting and fishing licenses for military retirees”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegate Gearheart:**

**H. B. 2557** - “A Bill to amend and reenact §3-10-4 of the Code of West Virginia, 1931, as amended, relating to filling a vacancy occurring in the House of Representatives in the Congress of the United States”; to the Committee on the Judiciary.

**By Delegates Crouse, Kirby, Mallow, Longanacre, Kump, Forsht, Devault, Heckert, Hillenbrand, A. Hall and Worrell:**

**H. B. 2558** - “A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating to compulsory immunizations; and permitting religious exemptions”; to the Committee on Health and Human Resources.

**By Delegates Crouse, Willis, Mallow, Kump, Forsht, Heckert, Mazzocchi, Miller, Hillenbrand, Kirby and Chiarelli:**

**H. B. 2559** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-22; and to amend said code by adding thereto a new section, designated §16-2-18, all relating to prohibiting mask mandates by the State of West Virginia; and prohibiting local health departments in West Virginia from instituting any type of mandatory mask mandate or face covering requirement”; to the Committee on Health and Human Resources.

**By Delegates Crouse, Howell, Longanacre, Honaker, Petitto, Brooks, Maynor, Mallow, Ridenour and Heckert:**

**H. B. 2560** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-34-1, relating to requiring cameras to be placed in schools in classrooms and all other rooms in which students are present”; to the Committee on Education then Finance.

**By Delegates Crouse, Warner, Coop-Gonzalez, Hott, Kelly, Riley, Honaker, Cannon, Petitto, Butler and Longanacre:**

**H. B. 2561** - “A Bill to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended, relating to clarifying the announcement form and eligibility requirements for becoming a candidate for election to a public office; and establishing a deadline and the procedure by and through which an eligibility challenge to a candidate’s qualifications to seek and hold the elected office sought may be brought”; to the Committee on the Judiciary.

**By Delegates Longanacre, Crouse, Cooper, Maynor, Petitto and Jennings:**

**H. B. 2562** - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article designated §17B-2C-1, §17B-2C-2, §17B-2C-3, §17B-2C-4, §17B-2C-5, and §17B-2C-6, all relating to establishing a special license plate with a medical condition diagnosis for persons with medical conditions affecting speech, mobility, or other motor functions; providing for a short title; providing for obtaining a medical condition designated driver’s license, providing for obtaining a medical condition designated license plate; providing for confidentiality of medical records; providing for rule-making authority; and providing for an effective date”; to the Committee on Technology and Infrastructure.

**By Delegates Linville, Kelly, Pinson, Honaker, Smith, Phillips, Hott, Steele, Foster and Adkins:**

**H. B. 2563** - “A Bill to amend and reenact §62-12-13 of the Code of West Virginia, 1931, as amended, relating to making ineligible for parole someone guilty of a crime in which the victim

was a police officer in the performance of that officer's duties"; to the Committee on the Judiciary.

**By Delegate Linville:**

**H. B. 2564** - "A Bill to repeal §17C-5A-2 of the Code of West Virginia, 1931, as amended; and to repeal §17C-5C-1, §17C-5C-1a, §17C-5C-2, §17C-5C-3, §17C-5C-4, §17C-5C-4a, §17C-5C-4b, and §17C-5C-5 of said code, relating to repeal of administrative hearing procedures for DUI offenses"; to the Committee on the Judiciary.

**By Delegate Linville:**

**H. B. 2565** - "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto eight new sections, designated as §17A-3-14a, §17A-3-14b, §17A-3-14c, §17A-3-14d, §17A-3-14e, §17A-3-14f, §17A-3-14g and §17A-3-14h, all relating to registration plates in general; authorizing special registration plates; establishing fees; and reorganizing operative code provision for ease of administration"; to the Committee on Technology and Infrastructure.

**By Delegates Brooks, Kirby, Crouse, Willis and Chiarelli:**

**H. B. 2566** - "A Bill to amend and reenact §11-6B-3 of the Code of West Virginia, 1931, as amended, relating to increasing the Homestead Property Tax Exemption from \$20,000 to \$40,000"; to the Committee on Finance.

**By Delegates Ross, Linville, Dean, W. Hall and Dillon:**

**H. B. 2567** - "A Bill to amend and reenact §61-3B-2 of the Code of West Virginia, 1931, as amended, relating to increasing the penalty for unlawful trespass into the home of another from a misdemeanor offense to a felony offense"; to the Committee on the Judiciary.

**By Delegates Ross, Dillon, Linville, Cannon, Dean and Bridges:**

**H. B. 2568** - "A Bill to amend and reenact §7-14D-2 of the Code of West Virginia, 1931, as amended, relating to deputy

sheriff retirement benefits”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Espinosa, Ridenour, Clark, Ferrell, Steele, Criss, Barnhart, Hardy and Dean:**

**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, and §20-19-7, 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”; to the Committee on the Judiciary.

**By Delegates Gearheart, Crouse, Smith, Clark, Householder, A. Hall, Storch, Cooper, Butler, Ellington and McGeehan:**

**H. B. 2570** - “A Bill to amend and reenact §17-16A-13 of the Code of West Virginia, 1931, as amended, relating to requiring certain non-discretionary procedures be strictly complied with by the West Virginia Parkways Authority before tolls, rents, fees or charges may be increased”; to the Committee on Government Organization.

**By Delegate Gearheart:**

**H. B. 2571** - “A Bill to amend and reenact §18-5-1 of the Code of West Virginia, 1931, as amended, relating to election of members of county boards of education; providing for two members to be elected as at large members and the remaining three to be elected on the basis of magisterial districts”; to the Committee on the Judiciary.

**By Delegates Horst, Jeffries, McGeehan, Phillips, Kirby, Ridenour, Smith, Kimble, Householder, Longanacre and Mazzocchi:**

**H. B. 2572** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-1H-1, §62-1H-2, §62-1H-3, §62-1H-4, §62-1H-5, and §62-1H-6, all relating to establishing the Protection of Shared Physical and



Digital Property from Warrantless Searches Act; providing for legislative findings; providing for definitions; creating conditions for government to search or seize physical or digital property from a third party; defining illegal searches and seizures, and providing for an effective date”; to the Committee on the Judiciary.

**By Delegates Horst, Jeffries, C. Pritt, Kimble, Kirby, Foster, Householder, Longanacre, Ridenour, Phillips and Mazzocchi:**

**H. B. 2573** - “A Bill to repeal §60A-7-701, §60A-7-702, §60A-7-703, §60A-7-704, §60A-7-705, §60A-7-705a, §60A-7-706, §60A-7-707, and §60A-7-708 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §60A-12-1, §60A-12-2, §60A-12-3, §60A-12-4, §60A-12-5, §60A-12-6, §60A-12-7, §60A-12-8, §60A-12-9, §60A-12-10, §60A-12-11, §60A-12-12, §60A-12-13, §60A-12-14, §60A-12-15, §60A-12-16, §60A-12-17, §60A-12-18, §60A-12-19, §60A-12-20, §60A-12-21, §60A-12-22, §60A-12-23, §60A-12-24, §60A-12-25, §60A-12-26, §60A-12-27, §60A-12-28, §60A-12-29, §60A-12-30, §60A-12-31, §60A-12-32, §60A-12-33, §60A-12-34, and §60A-12-35, all relating to the creation of the Criminal Forfeiture Process Act replacing the West Virginia Contraband Forfeiture Act; providing that this article applies to the seizure and forfeiture of property used in and derived directly from the crime involving controlled substances; definitions, procedure; providing that there is no civil forfeiture and that the court with jurisdiction of criminal matter has jurisdiction of the forfeiture procedure; seizure of property, both real and personal; providing that there is no property right to contraband; hearing and appeal; return and disposition of property; restrictions on sales; preemption of local laws; and prohibiting an offer for adoption property, seized under state law, to a federal agency for the purpose of forfeiture under federal law”; to the Committee on the Judiciary.

**By Delegates Horst, Householder, Longanacre, Foster, Hardy, Phillips, Worrell, Mazzocchi, Ridenour, Thorne and Smith:**

**H. B. 2574** - “A Bill to amend and reenact §20-1-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact

§20-7-4 of said code, all relating to warrantless entry of private lands; setting forth limitations of entry onto private lands; clarifying the process for law enforcement entry onto posted private lands; and clarifying the use of surveillance cameras on or near posted private lands”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Nestor, Horst, Hanna, Longanacre, Martin, Hott, Barnhart, Kump, Phillips, Gearheart and Honaker:**

**H. B. 2575** - “A Bill to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating to expanding recreational benefits to West Virginia landowners”; to the Committee on Agriculture and Natural Resources then Government Organization.

**By Delegates Linville, Howell, Foster, Steele, Cannon, Householder, Longanacre, Adkins, Chiarelli and Phillips:**

**H. B. 2576** - “A Bill to amend and reenact §8-13-13 of the Code of West Virginia, 1931, as amended, relating to making the practice of assessing a municipality user fee when the employee was not working in that municipality unlawful”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Linville, Cannon, Householder, Criss, W. Hall, Chiarelli and Phillips:**

**H. B. 2577** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-3-21, relating to establishing the revocation of authority for spending by an agency in support of a challenge to West Virginia law”; to the Committee on the Judiciary.

**By Delegates Longanacre, Fehrenbacher, Heckert, Forsht, Tully, Sheedy and Brooks:**

**H. B. 2578** - “A Bill to amend and reenact §15A-11-9 of the Code of West Virginia, 1931, as amended, relating to the Rural Area Fire Department Volunteer Incentive Act of 2023, requiring the State Fire Commission to review and revise certain rules for training of rural area volunteer fire firefighters and certification of rural area volunteer fire departments; removing provision for a pilot program to implement proposed changes to such

requirements; and requiring the State Fire Commission to consider separate standards to fit the character and level of development of a rural area volunteer fire department”; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

**By Delegates Longanacre, Crouse, Dean, Nestor, Forsht, Heckert and Brooks:**

**H. B. 2579** - “A Bill to amend and reenact §3-1-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-4A-11a of said code; to amend and reenact §3-5-4, §3-5-13, and §3-5-13a of said code; to amend said code by adding thereto a new section, designated §3-5-5; to amend and reenact §6-5-1 of said code; and to amend and reenact §18-4-1 of said code, all relating generally to the nonpartisan election of county superintendents of schools; providing general provisions for such election; specifying the arrangement of the ballot to include such officers; providing for the placement of such persons on a primary election ballot; prescribing the manner of election of such persons; providing for the form and content of ballots; providing for the order of offices and candidates on ballots; specifying the term of office for county superintendents of schools; clarifying and enumerating relevant points concerning the election of county superintendents of schools; providing for the filling of vacancies in such office by temporary appointment; and providing for elections to fill such vacancies”; to the Committee on Education then the Judiciary.

**By Delegates Longanacre, Forsht, Ridenour and Brooks:**

**H. B. 2580** - “A Bill to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, relating to clarifying that K-12 students must exhibit satisfactory academic progress on the comprehensive statewide student assessment before they can advance to the next grade level”; to the Committee on Education.

**By Delegate Longanacre:**

**H. B. 2581** - “A Bill to amend and reenact §11-15-18b of the Code of West Virginia, 1931, as amended, relating to reducing the flat tax on motor fuel by 50%”; to the Committee on Technology and Infrastructure then Finance.

**By Delegates Longanacre and Brooks:**

**H. B. 2582** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-3-7, relating to limiting the amount of money provided to individuals who do not attempt to obtain an education or seek employment or open a business within two years of first receiving benefits; listing exceptions”; to the Committee on Workforce Development then Finance.

**By Delegates Longanacre, Nestor, Ridenour, Hornby, Heckert, Tully, Hott, Brooks, Sheedy, Miller and Jennings:**

**H. B. 2583** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31-18C-20, all relating to establishing a Veteran's Welcome Home grant to assist military service members and honorably discharged veterans with relocation costs; establishing eligibility for grant; establishing how grant amount be determined; and providing rulemaking authority”; to the Committee on Veterans' Affairs and Homeland Security then Finance.

**By Delegates Smith, Barnhart, Cooper, Kimble, Longanacre, Honaker, Ridenour, Hardy, Mallow, Steele and McGeehan:**

**H. B. 2584** - “A Bill to amend and reenact §11-6B-2 and §11-6B-4 of the Code of West Virginia, 1931, as amended, all relating to taxation; homestead property tax and exemption; and allowing the exemption for the owner or partial owner who is a veteran of the United States military and has been determined by the United States Department of Veterans Affairs or its successor to have a 100 percent service connected disability”; to the Committee on Veterans' Affairs and Homeland Security then Finance.

**By Delegates Smith, Cooper, Clark, Longanacre, Zatezalo, Linville, Espinosa, Riley, Ellington, Storch and Ferrell:**

**H. B. 2585** - “A Bill to amend and reenact §11-8-16, and §11-8-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §13-1-7 of said code, all relating to authorizing a special election for presenting the question of a special levy renewal for levies expiring prior to the primary election scheduled for May 14, 2024; and authorizing the resubmission of questions to

the voters at a regularly scheduled primary or general election for certain levy questions rejected at a prior election”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate Smith:**

**H. B. 2586** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-6B-13, relating to establishing a \$30,000 homestead exemption for taxpayers with a household income at or below U.S. Department of Health & Human Services Poverty Guidelines”; to the Committee on Finance.

**By Delegates Smith, Barnhart, Howell, Dean, Hardy, Linville, Clark, Steele, Householder, McGeehan and Foster:**

**H. B. 2587** - “A Bill to amend and reenact §11A-1-12 of the Code of West Virginia, 1931, as amended, relating to the accrual and collection of taxes; what information a receipt for taxes from sheriff shall contain; and how the information may be provided to the taxpayer”; to the Committee on the Judiciary.

**By Delegates Summers, Espinosa, Householder, Martin, Gearheart, Crouse, Tully, Fehrenbacher, Linville and Hardy:**

**H. B. 2588** - “A Bill to amend and reenact §21A-2D-1, §21A-2D-2, and §21A-2D-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §21A-2D-2A; to amend said code by adding thereto a new article, designated §21A-3-1, §21A-3-2, and §21A-3-3; and to amend and reenact §21A-6-10 of said code, all relating to unemployment benefits program; adding definition of ‘state average unemployment rate’ and making technical changes to definitions; increasing requirements to verify claim program integrity; providing for automatic eligibility review in certain circumstances; redesignating code sections; establishing formula to correlate duration of benefits to unemployment rate; providing for rulemaking; setting effective date; and reducing period of maximum duration of benefits”; to the Committee on Finance.

**By Delegates Summers, Espinosa, Householder, Martin, Gearheart, Crouse, Westfall, Tully, Fehrenbacher, Linville and Hardy:**

**H. B. 2589** - “A Bill to amend and reenact §21A-6-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §21A-6-1d, all relating to eligibility for unemployment benefits; requiring work search activities to qualify for unemployment benefits; defining what constitutes work search activities; mandating submittal of proof of work search activities; providing for verification of work search activities; granting commissioner of Workforce West Virginia discretion in verification of work search activities; mandating establishment of process to refer individuals seeking unemployment benefits to job opportunities; requiring individuals receiving referrals to suitable work to apply for and accept that work; mandating employers to report refusal of offer of employment to commissioner; allowing individuals who accept part-time non-suitable employment to receive unemployment benefits without reduction for wages under certain circumstances; making certain individuals applying for or receiving unemployment benefits exempt from work search requirements; establishing process for notification of work search activity requirements; requiring rulemaking; and setting effective date”; to the Committee on the Judiciary.

**By Delegates Crouse, Kimble, Longanacre, Smith, Honaker, Butler, Coop-Gonzalez and Brooks:**

**H. B. 2590** - “A Bill to amend and reenact §17C-15-44 of the Code of West Virginia, 1931, as amended, relating to motorcycle safety equipment; and removing the helmet requirement”; to the Committee on Banking and Insurance then the Judiciary.

### **Special Calendar**

#### **First Reading**

The following bill on first reading, coming up in regular order, was read a first time and ordered to second reading:

**Com. Sub. for H. B. 2526**, Relating to reducing the personal income tax.

### **Miscellaneous Business**

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

**H. B. 2036:** Delegates Fast, Horst, Jeffries, Mazzocchi, McGeehan, C. Phillips, Pritt, Ridenour, Steele and Worrell;

**H. B. 2040:** Delegate Brooks;

**H. B. 2041:** Delegate Hillenbrand;

**H. B. 2045:** Delegate Hillenbrand;

**H. B. 2052:** Delegate Brooks;

**H. B. 2061:** Delegate Brooks;

**H. B. 2067:** Delegates Dillon and Hillenbrand;

**H. B. 2069:** Delegate Brooks;

**H. B. 2074:** Delegates Brooks and Hillenbrand;

**H. B. 2104:** Delegate Hillenbrand;

**H. B. 2191:** Delegate Steele;

**H. B. 2193:** Delegate Steele;

**H. B. 2216:** Delegate Steele;

**H. B. 2217:** Delegates Butler, Honaker, Horst, Longanacre, Lucas, Maynor, Mazzocchi, Pinson, C. Pritt and Steele;

**H. B. 2234:** Delegate Steele;

**H. B. 2245:** Delegate Steele;

**H. B. 2366:** Delegate Steele;

**H. B. 2367:** Delegate Steele;

**H. B. 2386:** Delegate Steele;

**H. B. 2412:** Delegates Adkins, Anderson, Griffith, Linville, Lucas, Rohrbach and Worrell;

**H. B. 2428:** Delegate Espinosa;

**H. B. 2432:** Delegate Hillenbrand;

**H. B. 2471:** Delegate Steele;

**H. B. 2474:** Delegate Steele;

**H. B. 2475:** Delegate Steele;

**H. B. 2478:** Delegate Steele;

**H. B. 2492:** Delegate Steele;

**H. B. 2496:** Delegate Steele;

**H. B. 2530:** Delegate Steele;

**H. B. 2545:** Delegate Steele;

And,

**H. B. 2555:** Delegate Steele.

At 11:24 a.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, January 17, 2023.



---

Tuesday, January 17, 2023

**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 Monday, January 16, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

Your Committee on the Judiciary has had under consideration:

**S. B. 161**, Authorizing DNR to manage and dispose of property,

And,

**S. B. 162**, Authorizing director of DNR to lease state-owned pore spaces in certain areas for carbon sequestration,

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

At the respective requests of Delegate Jeffries, and by unanimous consent, the bills (S. B. 161 and S. B. 162) were each taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2412**, Declaring November 14 every year, a special Memorial Day in remembrance of the Marshall University airplane crash,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2412** - "A Bill to amend and reenact §2-2-1a of the Code of West Virginia, 1931, as amended, relating to declaring November 14 every year, a special memorial day in remembrance of the Marshall University airplane crash,"

With the recommendation that the committee substitute do pass.

**Messages from the Executive  
and other Communications**

The following communications from the Legislative Rule-Making Review Committee, were reported by the Clerk:

West Virginia Legislature  
Legislative Rule-Making Review Committee  
State Capitol  
Charleston, West Virginia 25305

January 16, 2023

The Honorable Bruce Cassis  
Clerk, West Virginia Senate  
State Capitol  
Charleston, WV 25305  
The Honorable Steve Harrison  
Clerk, West Virginia House of Delegates  
State Capitol  
Charleston, WV 25305

Gentlemen:

In accordance with the provisions of W.Va. Code, §29A-3-12, we have attached copies of the proposed legislative rules which have been submitted to and acted upon by the Legislative Rule-Making Review Committee, pursuant to the provisions of W.Va. Code, §29A-3-11, and which have not previously been submitted to the Legislature for authorization.

Also, attached is a report listing the proposed legislative rules considered by the Committee, and setting forth the recommendations of the Committee with respect to the proposed legislative rules. This letter also serves as a statement that a separate bill authorizing the promulgation of each proposed legislative rule has been drafted by the staff of the Legislative Rule-Making Review Committee.

In accordance with W.Va. Code, §29A-3-11, the draft bills are available for any member to introduce to the Legislature. The undersigned, as Co-Chairs of the Legislative Rule-Making Review Committee, are requesting that Senator Woodrum's name be placed on the draft bills as the sponsor in the Senate, and Delegate Foster's name be placed on the draft bills as the sponsor in the House of Delegates.

Thank you for your cooperation.

Sincerely,

Jack Woodrum, Chair  
Senate

Geoff Foster, Chair  
House of Delegates

West Virginia Legislature  
Legislative Rule-Making Review Committee  
State Capitol  
Charleston, West Virginia 25305

January 16, 2023

West Virginia Legislature  
State Capitol  
Charleston, West Virginia

Ladies and Gentlemen:

In accordance with the provisions of West Virginia Code, §29A-3-12, as chairpersons of the Legislative Rule-Making Review Committee we submit this report of its activities. A bill, in the form approved by the Committee, authorizing each of the proposed legislative rules below as submitted, as modified, as modified and amended, or as amended have been drafted by staff of the Legislative Rule-Making Review Committee pursuant to West Virginia Code §29A-3-11.

**The Committee submits the following proposed rules to the Legislature with the recommendation that the proposed rules be authorized for promulgation by the respective agencies as submitted:**

Accountancy, Board of

Board Rules and Rules of Professional Conduct, 1 CSR 01 [H. B. 2692]

Administration, WV Department of

Purchasing, 148 CSR 01 [H. B. 2638]

Auditor, Office of the State

Standards for Voluntary Payroll Deductions, 155 CSR 03 [H. B. 2707]

Crime, Delinquency, and Correction

Protocol for Law Enforcement Response to Domestic Violence, 149 CSR 03 [H. B. 2666]

DEP - Air Quality

Standards of Performance for New Stationery Sources, 45 CSR 16 [H. B. 2640]

DEP - Air Quality

Emission Standards for Hazardous Air Pollutants, 45 CSR 34 [H. B. 2642]

## DEP - Secretary's Office

Reclamation of Solar and Wind Electricity Generation Facilities, 60 CSR 11 [H. B. 2647]

## DEP - Water and Waste Management

Recycling Assistance Grant Program, 33 CSR 10 [H. B. 2645]

## Fire Commission, WV State

Certification of Home Inspectors, 87 CSR 05 [H. B. 2669]

## Health and Human Resources, WV Department of

Medical Cannabis Program - Grower/Processors, 64 CSR 110 [H. B. 2651]

## Health and Human Resources, WV Department of

Medical Cannabis Program - Dispensaries, 64 CSR 112 [H. B. 2652]

## Health and Human Resources, WV Department of

Financial Disclosure Rule, 65 CSR 13 [H. B. 2653]

## Health and Human Resources, WV Department of

Minimum Licensing Requirements for Residential Child Care and Treatment Facilities for Children and Transitioning Adults and Vulnerable and Transitioning Youth Group Homes and Programs in West Virginia, 78 CSR 03 [H. B. 2658]

## Health and Human Resources, WV Department of

Family Child Care Facility Licensing, 78 CSR 18 [H. B. 2659]

## Health and Human Resources, WV Department of

Goals for Foster Children, 78 CSR 25 [H. B. 2663]

## Health and Human Resources, WV Department of

Deemed Head Start Child Care Center Licenses, 78 CSR 28 [H. B. 2664]

## Highways, WV Division of

Construction and Reconstruction of State Roads, 157 CSR 03 [H. B. 2691]

Insurance Commission, WV

Suitability in Annuity Transactions, 114 CSR 11B [H. B. 2677]

Labor, WV Division of

Supervision of Plumbing Work, 42 CSR 32 [H. B. 2742]

Lottery Commission, WV

West Virginia Lottery Sports Wagering Rule, 179 CSR 09 [H. B. 2680]

Medicine, WV Board of

Licensing of Physicians and Podiatric Physicians and Disciplinary Procedures for Applicants, Licensees, Credential Holders, 11 CSR 01A [H. B. 2715]

Medicine, WV Board of

Licensure, Practice Requirements, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants, 11 CSR 01B [H. B. 2716]

Medicine, WV Board of

Collaborative Pharmacy Practice, 11 CSR 08 [H. B. 2717]

Medicine, WV Board of

Prohibiting Sexual Misconduct by Health Care Practitioners, 11 CSR 16 [H. B. 2718]

Motor Vehicles, WV Division of

Administrative Due Process, 91 CSR 01 [H. B. 2687]

Natural Resources, WV Division of

Special Motorboating Regulations, 58 CSR 27 [H. B. 2748]

Osteopathic Medicine, WV Board of

Osteopathic Physician Assistants, 24 CSR 02 [H. B. 2720]

Psychologists, WV Board of

Code of Conduct, 17 CSR 06 [H. B. 2727]

Registered Professional Nurses, WV Board of Examiners for

Requirements for Registration and Licensure and Conduct Constituting Professional Misconduct, 19 CSR 03 [H. B. 2734]

Registered Professional Nurses, WV Board of Examiners for  
Telehealth Practice; Requirements; Definitions., 19 CSR 16 [H.  
B. 2728]

Tax Department, WV State  
Farm-To-Food Bank Tax Credit, 110 CSR 13DD [H. B. 2683]

Tax Department, WV State  
Property Transfer Tax, 110 CSR 22 [H. B. 2684]

Tax Department, WV State  
Personnel Rule for the Tax Division, 110 CSR 42 [H. B. 2686]

**The Committee submits to the Legislature the following proposed rules which were modified by the agency in accordance with the provisions of West Virginia Code, §29A-3-14, and which were approved by the Committee with the modifications with the recommendation that the proposed rules be authorized for adoption by the respective agencies as modified:**

Acupuncture, WV Board of  
Advertising by Licensed Acupuncturists, 32 CSR 05 [H. B.  
2693]

Acupuncture, WV Board of  
Standards of Practice of Acupuncture by Licensed  
Acupuncturists, 32 CSR 06 [H. B. 2694]

Acupuncture, WV Board of  
Continuing Education Requirements, 32 CSR 09 [H. B. 2695]

Agriculture, WV Department of  
WV Apiary Law, 61 CSR 02 [H. B. 2696]

Agriculture, WV Department of  
Schedule for Charges for Inspection Services: Fruit, 61 CSR  
08B [H. B. 2697]

Agriculture, WV Department of  
Rules Dealing With Noxious Weeds, 61 CSR 14A [H. B. 2698]

Agriculture, WV Department of  
Grade A Pasteurized Milk, 61 CSR 15 [H. B. 2699]

Agriculture, WV Department of  
Inspection of Nontraditional Domesticated Animals, 61 CSR  
23D [H. B. 2700]

Agriculture, WV Department of  
Hemp Products, 61 CSR 30 [H. B. 2701]

Agriculture, WV Department of  
Livestock Care Standards, 61 CSR 31 [H. B. 2702]

Agriculture, WV Department of  
Farm-To-Food Bank Tax Credit, 61 CSR 36 [H. B. 2703]

Agriculture, WV Department of  
Farmers Market, 61 CSR 38 [H. B. 2704]

Athletic Commission, WV State  
Regulation of Boxing, 177 CSR 01 [H. B. 2705]

Athletic Commission, WV State  
Regulation of Mixed Martial Arts, 177 CSR 02 [H. B. 2706]

Conservation Agency, WV  
Operation of West Virginia State Conservation Committee and  
Conservation Districts, 63 CSR 01 [H. B. 2708]

Conservation Agency, WV  
Conservation District Accounting and Auditing Standards, 63  
CSR 04 [H. B. 2709]

Dental Examiners, WV Board of  
Dental Recovery Networks, 5 CSR 15 [H. B. 2710]

DEP - Air Quality  
Control of Ozone Season Nitrogen Oxides Emissions, 45 CSR  
40 [H. B. 2643]

DEP - Mining and Reclamation  
Rules For Quarrying and Reclamation, 38 CSR 03 [H. B. 2644]



DEP - Water and Waste Management

Reclamation of Abandoned and Dilapidated Properties Grant Program, 33 CSR 13 [H. B. 2646]

Development Office, WV

Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program, 145 CSR 15 [H. B. 2740]

Division of Financial Institutions

Rule Pertaining to Money Transmission Services, 106 CSR 23 [H. B. 2676]

Emergency Management

National Flood Insurance Program, 170 CSR 07 [H. B. 2667]

Fire Commission, WV State

Hazardous Substance Emergency Response Training Programs, 87 CSR 03 [H. B. 2668]

Fire Commission, WV State

Volunteer Firefighters' Training, Equipment, and Operating Standards, 87 CSR 08 [H. B. 2670]

Fire Marshal, WV State

Certification of Electrical Inspectors, 103 CSR 01 [H. B. 2671]

Fire Marshal, WV State

Supervision of Fire Protection Work, 103 CSR 03 [H. B. 2672]

Fire Marshal, WV State

Electrician Licensing Rules, 103 CSR 05 [H. B. 2673]

Fire Marshal, WV State

Certification of Home Inspectors, 103 CSR 07 [H. B. 2674]

Funeral Service Examiners, WV Board of

Funeral Director, Embalmer, Apprentice, Courtesy Card Holders and Funeral Establishment Requirements, 6 CSR 01 [H. B. 2711]

Funeral Service Examiners, WV Board of  
Crematory Requirements, 6 CSR 02 [H. B. 2712]

Funeral Service Examiners, WV Board of  
Fee Schedule, 6 CSR 07 [H. B. 2713]

Health and Human Resources, WV Department of  
Procedures Pertaining to the Dangerousness Assessment  
Advisory Board, 64 CSR 26 [H. B. 2648]

Health and Human Resources, WV Department of  
Standards for Local Boards of Health, 64 CSR 73 [H. B. 2649]

Health and Human Resources, WV Department of  
Medical Examiner Requirements for Postmortem Inquiries, 64  
CSR 84 [H. B. 2650]

Health and Human Resources, WV Department of  
Methodologies to Examine Needs for Substance Use Disorder  
Treatment Facilities Within the State, 69 CSR 13 [H. B. 2655]

Health and Human Resources, WV Department of  
Core Behavioral Health Crisis Services System, 69 CSR 19 [H.  
B. 2656]

Health and Human Resources, WV Department of  
Child Care Centers Licensing, 78 CSR 01 [H. B. 2657]

Health and Human Resources, WV Department of  
Family Child Care Home Registration, 78 CSR 19 [H. B. 2660]

Health and Human Resources, WV Department of  
Informal and Relative Family Child Care Home Registration,  
78 CSR 20 [H. B. 2661]

Health and Human Resources, WV Department of  
Out Of School Time Child Care Center Licensing, 78 CSR 21  
[H. B. 2662]

Health Care Authority, WV  
Uniform Bill Database, 65 CSR 34 [H. B. 2654]

Highways, WV Division of

Disposal, Lease and Management of Real Property and Appurtenant Structures and Relocation Assistance, 157 CSR 02 [H. B. 2690]

Insurance Commission, WV

Pharmacy Auditing Entities and Pharmacy Benefit Managers, 114 CSR 99 [H. B. 2678]

Labor, WV Division of

Board of Manufactured Housing Construction and Safety Rule, 42 CSR 19 [H. B. 2741]

Labor, WV Division of

Regulation of HVAC Work, 42 CSR 34 [H. B. 2743]

Labor, WV Division of

Registration of Service Persons and Service Agencies, 42 CSR 35 [H. B. 2744]

Labor, WV Division of

Registration of Weighing and Measuring Devices Used by Businesses in Commercial Transactions, 42 CSR 36 [H. B. 2745]

Landscape Architects, Board of

Registration of Landscape Architects, 9 CSR 01 [H. B. 2714]

Motor Vehicles, WV Division of

Examination and Issuance of Driver's License, 91 CSR 04 [H. B. 2688]

Motor Vehicles, WV Division of

Denial, Suspension, Revocation, Disqualification, Restriction, Non-Renewal, Cancellation, Administrative Appeals and Reinstatement of Driving Privilege's, 91 CSR 05 [H. B. 2689]

Optometry, WV Board of

Optometric Telehealth Practice, 14 CSR 12 [H. B. 2719]

Pharmacy, WV Board of

Licensure and Practice of Pharmacy, 15 CSR 01 [H. B. 2721]

Pharmacy, WV Board of

Rule of the Board of Pharmacy for the Uniform Controlled Substances Act, 15 CSR 02 [H. B. 2722]

Pharmacy, WV Board of

Board of Pharmacy Rules for Registration of Pharmacy Technicians, 15 CSR 07 [H. B. 2723]

Pharmacy, WV Board of

Regulations Governing Pharmacy Permits, 15 CSR 15 [H. B. 2724]

Pharmacy, WV Board of

West Virginia Board of Pharmacy Inspections, 15 CSR 19 [H. B. 2725]

Pharmacy, WV Board of

Donated Drug Repository Program, 15 CSR 20 [H. B. 2726]

Registered Professional Nurses, WV Board of Examiners for

Advanced Practice Registered Nurse Licensure Requirements, 19 CSR 07 [H. B. 2733]

Registered Professional Nurses, WV Board of Examiners for

Limited Prescriptive Authority for Nurses in Advanced Practice, 19 CSR 08 [H. B. 2732]

Registered Professional Nurses, WV Board of Examiners for

Continuing Education and Competence, 19 CSR 11 [H. B. 2731]

Registered Professional Nurses, WV Board of Examiners for

Fees for Services Rendered by the Board, 19 CSR 12 [H. B. 2730]

Registered Professional Nurses, WV Board of Examiners for

Practitioner Requirements for Accessing the West Virginia Controlled Substances Monitoring, 19 CSR 14 [H. B. 2729]

## Secretary of State

Early Voting In-Person Satellite Precincts, 153 CSR 13 [H. B. 2735]

## Secretary of State

Combined Voter Registration and Driver Licensing Fund, 153 CSR 25 [H. B. 2736]

## Secretary of State

Administrative Procedures for the Nonpublic Funding for Election Administration Fund, 153 CSR 54 [H. B. 2737]

## State Police, WV

West Virginia State Police Professional Standards Investigations, 81 CSR 10 [H. B. 2675]

## Tax Department, WV State

Valuation of Producing and Reserve Oil, Natural Gas Liquids, and Natural Gas for Ad Valorem Property Tax Purposes, 110 CSR 01J [H. B. 2681]

## Tax Department, WV State

West Virginia Film Industry Investment Act, 110 CSR 13X [H. B. 2682]

## Tax Department, WV State

Municipal Sales and Use Tax Administration, 110 CSR 28 [H. B. 2685]

## Treasurer's Office, WV State

Enforcement of the Uniform Unclaimed Property Act, 112 CSR 05 [H. B. 2738]

## Treasurer's Office, WV State

Jumpstart Savings Program, 112 CSR 20 [H. B. 2739]

**The Committee submits the following legislative rule which was approved by the Committee in accordance with the provisions of West Virginia Code, §29A-3-11, with the recommendation that the proposed rule be authorized for the**

**promulgation by the respective agency as modified with amendments:**

DEP - Air Quality

Requirements for Operating Permits, 45 CSR 30 [H. B. 2641]

Insurance Commission, WV

Bail Bondsmen in Criminal Cases, 114 CSR 103 [H. B. 2678]

Natural Resources, WV Division of

Hunting, Fishing, and Other Outfitters and Guides, 58 CSR 11 [H. B. 2746]

Natural Resources, WV Division of

Miscellaneous Permits and Licenses, 58 CSR 64 [H. B. 2749]

**The Committee submits the following legislative rule which was approved by the Committee in accordance with the provisions of West Virginia Code, §29A-3-11, with the recommendation that the proposed rule be authorized for the promulgation by the respective agency with amendments:**

Administration, WV Department of

Parking, 148 CSR 06 [2639]

Natural Resources, WV Division of

Commercial Whitewater Outfitters, 58 CSR 12 [H. B. 2747]

**The Committee submits the following legislative rule which was approved by the Committee in accordance with the provisions of West Virginia Code, §29A-3-11, with the recommendation that the proposed rule be authorized for the promulgation by the respective agency as disapproved:**

Secretary of DHHR and Insurance Commissioner

All Payers Claim Database, 114A CSR 03 [H. B. 2665]

**\*\*Due to unforeseen circumstances, 112 CSR 18 did not come before the Legislative Rule-Making Review Committee. However, it will be acted upon by the Legislature before the adjournment of the 2023 Legislative Session. An amended final letter will be filed**

with the Clerk of the House of Delegates and the Clerk of the Senate after action by the Legislative Rule-Making Review Committee.

### **Bills Introduced**

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

**By Delegates Barnhart, Reynolds, Sheedy, Longanacre, C. Pritt, Ferrell, Summers, Cooper and Zatezalo:**

**H. B. 2591** - "A Bill to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended, relating to requiring immediate verification of partisan election candidates' party affiliation"; to the Committee on the Judiciary.

**By Delegates Tully, Summers, Barnhart, Brooks, Hott, Phillips, Westfall, Jeffries, Mallow, Jennings and Fast:**

**H. B. 2592** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-18-1, §21-18-2, §21-18-3, §21-18-4, §21-18-5, §21-18-6, and §21-18-7, all relating to establishing a nurse staffing and safe harbor peer review process; defining safe harbor; establishing protections for nurse licensure under safe harbor; providing for invocation of safe harbor protections; establishing a withdrawal of request for safe harbor nursing review; establishing a Safe Harbor Peer Review committee and providing for the makeup and composition of the committee; providing when to invoke safe harbor and refuse nursing assignments; defining protection from civil or criminal liability under safe harbor; and defining CNOs/Nurse Practitioners"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Hansen and Young:**

**H. B. 2593** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §24-2I-1, §24-2I-2, §24-2I-3, §24-2I-4, §24-2I-5, and §24-2I-6, all relating to establishing the West Virginia Energy Efficiency Jobs Creation Act; creating short title; establishing findings and purpose; defining terms; requiring electric utilities to develop and

implement energy efficiency programs; establishing duties of the Public Service Commission; establishing certain requirements that the commission is to impose on electric utilities; providing requirements of electric utilities; requiring the commission to make reports to the Legislature; providing a self-direct option for an energy efficiency plan for eligible primary or secondary electric customers; establishing eligibility requirements; establishing duties of the commission; establishing requirements for self-directed energy efficiency plans; requiring electric providers to provide an annual report to the commission that includes certain information on the implementation of self-directed energy optimization plans; and requiring the commission to order certain participating customers that fail to meet the minimum energy efficiency goals of the self-directed plan to repay to the provider certain charges the customer avoided"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Phillips, Hott, Jennings, Honaker, Brooks, Kirby, Pinson, Jeffries, Longanacre and Dean:**

**H. B. 2594** - "A Bill to amend and reenact §61-2-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto six new sections, designated §61-2-2a, §61-2-2b, §61-2-2c, §61-2-2d, §61-2-2e, and §61-2-2f; to repeal §61-11-2 of said code; to amend and reenact §62-3-15 of said code; to amend said code by adding thereto a new section, designated §62-3-15a; and to amend said code by adding thereto four new sections, designated §62-7-4, §62-7-5, §62-7-6 and §62-7-6a, all relating to death penalty for first degree murder; procedures, standards and findings applicable to imposition thereof in certain instances including aggravating and mitigating circumstances; sentencing; providing automatic review of the death penalty by the Supreme Court of Appeals; providing for forensic deoxyribonucleic acid ('DNA') testing of biological material in death penalty cases; providing for execution of the death sentence by lethal injection; providing for delivery of sentence of death to officer retaining custody of person so sentenced; providing for transmission of indictment, order of conviction, sentence and judgment entered thereon to the warden of the state correctional facility; transfer of person sentenced to death to the state correctional facility; execution; providing



presence of certain persons be requested for the execution; providing for certification that sentence of death has been executed; and providing for disposition of the body"; to the Committee on Jails and Prisons then the Judiciary.

**By Delegates Barnhart, Holstein and Mallow:**

**H. B. 2595** - "A Bill to amend and reenact §16-13A-3 of the Code of West Virginia, 1931, as amended, relating to providing that if a public service board represents more than one community, there shall be one member from each such community on the service district board"; to the Committee on Political Subdivisions then Technology and Infrastructure.

**By Delegates Toney, Statler, Vance, Ellington, Cooper, Shamblin, Foggin and Heckert:**

**H. B. 2596** - "A Bill to amend and reenact §18-5-16 of the Code of West Virginia, 1931, as amended, relating to denying transfers to other schools by students who are suspended or expelled from a school for certain conduct"; to the Committee on Education.

**By Delegates Toney, Vance, Ellington, Cooper, Brooks, Shamblin, Foggin, Heckert and Kirby:**

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

**By Delegates Toney, Vance, Ellington, Cooper, Brooks, Shamblin and Foggin:**

**H. B. 2598** - "A Bill to amend and reenact §18A-4-8a of the Code of West Virginia, 1931, as amended, all relating to providing school service personnel a monthly raise of \$900"; to the Committee on Education then Finance.

**By Delegates Linville, Cannon, Keaton, Adkins, Chiarelli, Sheedy, Coop-Gonzalez, Barnhart and Clark:**

**H. B. 2599** - "A Bill to amend the Code of the West Virginia, 1931, as amended, by adding thereto a new section, designated §31G-4-2a, relating to creating the utility pole rights-of-way and easement mapping initiative; requiring pole owners to provide information to the Department of Economic Development to map the poles; requiring the Department of Economic Development to create maps with specific information about the poles; requiring confidentiality of information about electrical facilities connected to poles; allowing the Department of Economic Development to provide information to parties who demonstrate the need for the information to determine feasibility of projects; requiring confidentiality agreement of any requestor of the information; and providing exception to reporting if pole owner provides information directly to telecommunications entity"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Hott, Phillips, Jennings, Linville, Westfall, Nestor, Horst and Honaker:**

**H. B. 2600** - "A Bill to amend and reenact §7-18-14 of the Code of West Virginia, 1931, as amended, relating to the proceeds and application of the hotel occupancy tax; providing a legislative finding; and providing that the allocation of the hotel occupancy tax is subject to the sole discretion of the municipality or county commission"; to the Committee on Political Subdivisions then Finance.

**By Delegates Crouse, Brooks, Kirby, Heckert, Maynor, Mallow, Hornby, Longanacre, Worrell, Steele and Vance:**

**H. B. 2601** - "A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §11-15-9v, relating to creating a tax exemption for funeral, cremation, and burial services"; to the Committee on Finance.

**By Delegates Toney, Statler, Vance, Ellington, Cooper, Shamblin and Kirby:**

**H. B. 2602** - "A Bill to amend and reenact §18A-4-8 of the Code of West Virginia, 1931, as amended, relating to adding

special teaching assistants Aide V and Aide VI to the class titles of service personnel of the state minimum pay scale and class titles that are set forth in §18A-4-8a of this code"; to the Committee on Education then Finance.

**By Delegates Crouse, Steele, Kimble, Mallow, Miller, Honaker, Longanacre, Brooks, Kirby, Ridenour and Worrell:**

**H. B. 2603** - "A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18B-1-12; and to amend and reenact §21-1A-3 of said code, all relating to vaccinations and mask requirements for the prevention and control of communicable and other infectious diseases; permitting parents to make vaccination decisions for their children without state compulsion; providing that parents be informed of vaccine risks and how to report vaccine injuries; prohibiting mask requirements for school attendance; allowing adult students to make their own decisions regarding vaccinations as a condition of entry to colleges and trade schools in West Virginia; prohibiting colleges and trade schools from requiring masks at their campuses for students; and prohibiting businesses from requiring vaccines or masks as a condition of employment or entry into an establishment"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Westfall:**

**H. B. 2604** - "A Bill to amend the Code of West Virginia 1931, as amended, by adding thereto four new sections, designated §33-62-1, §33-62-2, §33-62-3, and §33-62-4, all relating to dental health care service plans; providing for transparency of expenditures of patient premiums; requiring carriers to file annual reports; requiring annual rebates to patients if funds spent for patient care is less than a certain percentage of premium funds; and requiring legislative and emergency rules"; to the Committee on Banking and Insurance then Finance.

**By Delegates Zatezalo, Anderson, Fehrenbacher, Reynolds, Barnhart, Cooper, Nestor, Riley, Linville, Howell and Gearheart:**

**H. B. 2605** - "A Bill to amend and reenact §55-7-15 and §55-7-17 of the Code of West Virginia, 1931, as amended, all relating to actions for injuries; providing that persons who render assistance to a person in an accident, emergency, or disaster, without remuneration, are not liable for civil damages; and also that persons trained in a qualified program of emergency response who render assistance to a person in an accident, emergency, or disaster, without remuneration, are not liable for civil damages"; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2606** - "A Bill to amend and reenact §21-1C-5 of the Code of West Virginia, 1931, as amended, relating to removing and modifying certain requirements for employers related to wages for construction of public improvements"; to the Committee on Workforce Development then Government Organization.

**By Delegates Statler and Ellington:**

**H. B. 2607** - "A Bill to amend and reenact §18-5-13 of the Code of West Virginia, 1931, as amended, relating to the transportation of students and passengers for school-sponsored activities"; to the Committee on Education.

**By Delegates Statler, Jennings and Barnhart:**

**H. B. 2608** - "A Bill to amend and reenact §11-21-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-21-3a; and to amend and reenact §11-21-20 of said code, all relating to levying a tax on a pass-through entity's income apportioned to West Virginia for pass-through entities that elect to pay West Virginia income tax at the entity level and authorizing a refundable income tax credit for an owner for such tax paid"; to the Committee on Finance.

**By Delegate Worrell:**

**H. B. 2609** - "A Bill to amend and reenact §22-14-22 of the Code of West Virginia, 1931, as amended, relating to requiring the Department of Environmental Protection to assume all costs

necessary to certify and permit a privately owned dam before the secretary may recover costs for repair or remediation"; to the Committee on the Judiciary then Finance.

**By Delegate Worrell:**

**H. B. 2610** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-8-17, relating to choice of law provisions in franchise agreements; declaring agreement voidable if it provides the agreement to be interpreted pursuant to the law of any other state; and establishing effective date of amendments"; to the Committee on the Judiciary.

**By Delegate Barnhart:**

**H. B. 2611** – "A Bill to amend and reenact §31A-8-12a of the Code of West Virginia, 1931, as amended, relating to banking from mobile units and provision of messenger services, expanding the area in which banking from mobile units and the provision of messenger services may be conducted, and updating the boundary limitations for mobile banking and messenger services by banking institutions or other depository institutions"; to the Committee on Banking and Insurance then the Judiciary

**By Delegate Foster:**

**H. B. 2612** - "A Bill to amend and reenact §16-30-6 of the Code of West Virginia, 1931, as amended, relating to authorizing a medical power of attorney representative to sign a binding arbitration agreement with an extended care facility operated in conjunction with a hospital, an assisted living facility, a nursing home or their related entities and employees on behalf of an incapacitated person unless the representative's authority is clearly limited"; to the Committee on the Judiciary.

**By Delegates Summers, Tully, Jeffries, Miller, Forsht, Heckert and Kelly:**

**H. B. 2613** - "A Bill to amend and reenact §30-7-15 of the Code of West Virginia, 1931, as amended, relating to the administration of anesthetics"; to the Committee on Health and Human Resources.

**By Delegate Foster:**

**H. B. 2614** - "A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating generally to hunting and fishing; permitting trotlines, droplines, and minnow traps to be lawful if certain conditions are met; and permitting jug fishing"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2615** - "A Bill to amend and reenact §16-5-10 of the Code of West Virginia, 1931, as amended, relating to preserving surnaming of children in accordance with the long-standing custom and tradition of the patronymic surnaming convention of children as recognized in common law case precedent; and titling this act as 'The Genealogical Record Integrity Act of 2023'; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2616** - "A Bill to amend and reenact §24-2F-8 of the Code of West Virginia, 1931, as amended, relating to net metering; modifying method for determining rebate or discounts to customers; and requiring compliance with certain national codes"; to the Committee on Energy and Manufacturing then the Judiciary.

**By Delegates Jeffries, Hanna, Jennings, Griffith and Keaton:**

**H. B. 2617** - "A Bill expiring funds to the balance of the Department of Environmental Protection, Division of Environmental Protection – Reclamation of Abandoned and Dilapidated Property Program Fund, Fund 3305, Fiscal year 2023, organization 0313, in the amount of \$10,000,000, from 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"; to the Committee on Finance.

**By Delegates Jeffries, Jennings, Griffith and Keaton:**

**H. B. 2618** - "A Bill to amend and reenact §22-15A-30 of the Code of West Virginia, 1931, as amended, relating to authorizing use of the Reclamation of Abandoned and Dilapidated Properties

Program Fund for demolition of abandoned or dilapidated structures damaged by certain flooding events in the state in an amount not to exceed any moneys obtained for that purpose"; to the Committee on Finance.

**By Delegates Burkhammer, Foster, Pinson and Crouse:**

**H. B. 2619** - "A Bill to amend and reenact §18-31-2 of the Code of West Virginia, 1931, as amended, relating to amending the definition of eligible recipient for the Hope Scholarship Program"; to the Committee on Education then Finance.

**By Delegates Burkhammer, Steele, Pinson, Dean and Vance:**

**H. B. 2620** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-56b, relating to the creation of an 'upland game bird' stamp to support the purchase and release of upland game birds in West Virginia Wildlife Management Areas"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Burkhammer and Foster:**

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

**By Delegates Longanacre, Ridenour and Forsht:**

**H. B. 2622** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-8-1b, relating to education; compulsory school attendance; providing an exception to compulsory attendance for certain children who are nonresidents or children of nonresident immigrants; and requiring that these children speak English before being admitted into the general classroom of a public school in this state"; to the Committee on Education.

**By Delegate Young:**

**H. B. 2623** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-71c, relating to tax on income of nonresidents for natural resources royalty payments received from lessees; providing legislative findings; defining terms; providing for withholding of estimated tax liabilities from natural resources royalty payments for nonresidents by lessees; providing exceptions to the tax withholding requirements under certain circumstances; providing that withheld amounts be paid by lessees to the Tax Commissioner on behalf of the nonresidents; providing for refunds to nonresidents for overpayment; requiring annual withholding statements, reconciliation, and filing requirements; requiring electronic filing under specified circumstances; providing for criminal and civil penalties in certain circumstances for non-compliance; providing for rule-making; and providing an effective date"; to the Committee on Finance.

**By Delegate Young:**

**H. B. 2624** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-44, relating to implementation of trauma-informed practices in schools; providing for an effective date; providing for training; providing definition of trauma-informed practices; providing for disciplinary considerations in light of trauma-informed practices; providing for a culture of acceptance among educational professionals relating to trauma-informed practices within the school; and providing for rulemaking"; to the Committee on Education then Finance.

**By Delegate Young:**

**H. B. 2625** - "A Bill to amend and reenact §3-3-5c of the Code of West Virginia, 1931, as amended, relating to mandating county commissions develop emergency absentee voting procedures"; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate Young:**

**H. B. 2626** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §21-5I-1, §21-5I-2, §21-5I-3, §21-5I-4 and §21-5I-5, relating to the rights of



applicants and employees to inquire about wages, benefits, and other compensation; and providing for a cause of action for violations"; to the Committee on Workforce Development then the Judiciary.

**By Delegate Foster:**

**H. B. 2627** - "A Bill to amend and reenact §57-5-4j of the Code of West Virginia, 1931, as amended, relating to preventing compensatory damage awards for medical expenses from including sums that the claimant has not and will not pay for medical care or treatment"; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2628** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-27, relating to requiring certain boards that seek to increase a fee or seek to impose a new fee to also submit cost saving measures undertaken or proposed to be undertaken"; to the Committee on Government Organization.

**By Delegate Foster:**

**H. B. 2629** - "A Bill to amend and reenact §61-3B-2 and §61-3B-3 of the Code of West Virginia, 1931, as amended, all relating to increasing fines for criminal trespass"; to the Committee on the Judiciary.

**By Delegates Hardy, Smith, Hornby, Kump, Hite, Espinosa, Gearheart and Riley:**

**H. B. 2630** - "A Bill to amend §7-1-1 of the Code of West Virginia, 1931, as amended, relating to allowing county councils to rename themselves to county commissions; providing for the renaming to be done by simple resolution; and requiring any name change to be filed with the county clerk of the county where the name change occurs"; to the Committee on Political Subdivisions then Government Organization.

**By Delegate Young:**

**H. B. 2631** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-6-22a, relating to authorizing dogs to enter certain hotels and

restaurants; limiting access of dogs to locations that hold a private club, brew pub, or micro-distillery license; and authorizing the Bureau of Public Health to promulgate rules establishing conditions and limitations relating to authorizing access"; to the Committee on Health and Human Resources.

**By Delegate Worrell:**

**H. B. 2632** - "A Bill to repeal §17C-16-1, §17C-16-2, §17C-16-3, §17C-16-4, §17C-16-5, §17C-16-6, §17C-16-7, §17C-16-8 and §17C-16-9 of the Code of West Virginia, 1931, as amended, relating to mandatory state inspections of motor vehicles"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Householder, Espinosa, Horst, Phillips, Gearheart, Dillon, Smith, Brooks, Foster, Forsht and Kirby:**

**H. B. 2633** - "A Bill to amend and reenact §18B-1-3 and §18B-1-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-1B-4 of said code; to amend and reenact §18B-2A-4 of said code; to amend and reenact §18B-2B-6 of said code; and to amend said code by adding thereto a new section, designated §18B-4-5b, all relating to regulation or restriction of the carrying of a concealed pistol or revolver by a person who holds a current license to carry a concealed deadly weapon; authorizing regulation or restriction on the carrying of concealed pistols or revolvers in certain circumstances or areas of an institution of higher education; eliminating authority of the Higher Education Policy Commission, the Council for Community and Technical College Education and the institutional boards of governors to restrict or regulate the carrying of concealed pistols or revolvers in certain circumstances or areas of an institution of higher education; and designating these amendments as 'The Campus Self Defense Act'"; to the Committee on Education then the Judiciary.

**By Delegate Hanna:**

**H. B. 2634** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-5a, relating to requiring compensation be made to certain members of the State Police for off-duty time when they are required to be on standby to be called back to work; requiring off-duty State Police

officers who are called back to work or appear in court be compensated a minimum amount; and providing a housing cost stipend for those officers who reside in, and are assigned to, one of the top five counties in median monthly housing costs"; to the Committee on Finance.

**By Delegate McGeehan:**

**H. B. 2635** - "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to personal income tax; exempting personal income earned by individuals working as teachers at primary and secondary schools from personal income tax"; to the Committee on Education then Finance.

**By Delegate Hanna:**

**H. B. 2636** - "A Bill to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended, relating to providing for excused absences from compulsory school attendance for exclusion, expulsion, or suspension when no other reasonable alternative placement for learning has been provided"; to the Committee on Education.

**By Delegate Foster:**

**H. B. 2637** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6-15-1, §6-15-2, and §6-15-3, all relating to requiring the State Auditor to establish a website centralizing access to all postings of legal advertisements required by law"; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2638** - "A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to purchasing"; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2639** - "A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the

Department of Administration to promulgate a legislative rule relating to parking"; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2640** - "A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources"; to the Committee on Energy and Manufacturing then the Judiciary.

**By Delegate Foster:**

**H. B. 2641** - "A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements for operating permits"; to the Committee on Energy and Manufacturing then the Judiciary.

**By Delegate Foster:**

**H. B. 2642** - "A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants"; to the Committee on Energy and Manufacturing then the Judiciary.

**By Delegate Foster:**

**H. B. 2643** - "A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of ozone season nitrogen oxides emissions"; to the Committee on Energy and Manufacturing then the Judiciary.

**By Delegate Foster:**

**H. B. 2644** - "A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to rules for quarrying and reclamation"; to the Committee on Energy and Manufacturing then the Judiciary.

**By Delegate Foster:**

**H. B. 2645** - "A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the recycling assistance grant program"; to the Committee on Energy and Manufacturing then the Judiciary.

**By Delegate Foster:**

**H. B. 2646** - "A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to Reclamation of Abandoned and Dilapidated Properties Grant Program"; to the Committee on Energy and Manufacturing then the Judiciary.

**By Delegate Foster:**

**H. B. 2647** - "A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to reclamation of solar and wind electricity generating facilities"; to the Committee on Energy and Manufacturing then the Judiciary.

**By Delegate Foster:**

**H. B. 2648** - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to procedures pertaining to the Dangerousness Assessment Advisory Board"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2649** - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to standards for local boards of health"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2650** - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical examiner requirements for postmortem inquiries"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2651** - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Services to promulgate a legislative rule relating to Medical Cannabis Program - grower and processors"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2652** - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Medical Cannabis Program - dispensaries"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2653** - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Health Care Authority to promulgate a legislative rule relating to financial disclosure"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2654** - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Uniform Bill Database"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2655** - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the development of methodologies to examine needs for substance use disorder treatment facilities within the state"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2656** - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Core Behavioral Health Crisis Services System"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2657** - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to child care centers licensing"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2658** - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to minimum licensing requirements for residential childcare and treatment facilities for children and transitioning adults and vulnerable and transitioning youth group homes and programs in West Virginia"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2659** - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to family child care facility licensing

requirements"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2660** - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to family child care home registration requirements"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2661** - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to informal and relative family child care home registration requirements"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2662** - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to out-of-school-time child care center licensing requirements"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2663** - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to goals for foster children"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2664** - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to deemed head start child care center



licenses"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2665** - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources and the Insurance Commissioner to promulgate a legislative rule relating to All-Payers Claims Database - Submission Manual"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2666** - "A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Governor's Committee on Crime to promulgate a legislative rule relating to protocol for law enforcement response to domestic violence"; to the Committee on Veterans' Affairs and Homeland Security then the Judiciary.

**By Delegate Foster:**

**H. B. 2667** - "A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Emergency Management to promulgate a legislative rule relating to National Flood Insurance Program"; to the Committee on Veterans' Affairs and Homeland Security then the Judiciary.

**By Delegate Foster:**

**H. B. 2668** - "A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Commission to promulgate a legislative rule relating to hazardous substance emergency response training programs"; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

**By Delegate Foster:**

**H. B. 2669** - "A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Commission to promulgate a legislative rule relating to

certification of home inspectors"; to the Committee on Government Organization then the Judiciary.

**By Delegate Foster:**

**H. B. 2670** - "A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Commission to promulgate a legislative rule relating to volunteer firefighters' training, equipment, and operating standards"; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

**By Delegate Foster:**

**H. B. 2671** - "A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Marshal to promulgate a legislative rule relating to certification of electrical inspectors"; to the Committee on Government Organization then the Judiciary.

**By Delegate Foster:**

**H. B. 2672** - "A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Marshal to promulgate a legislative rule relating to supervision of fire protection work"; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

**By Delegate Foster:**

**H. B. 2673** - "A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Marshal to promulgate a legislative rule relating to electrician licensing"; to the Committee on Government Organization then the Judiciary.

**By Delegate Foster:**

**H. B. 2674** - "A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Marshal to promulgate a legislative rule relating to certification of home inspectors"; to the Committee on Government Organization then the Judiciary.

**By Delegate Foster:**

**H. B. 2675** - "A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Police to promulgate a legislative rule relating to West Virginia State Police professional standards investigations, employee rights, early identification system, psychological assessment, and progressive discipline"; to the Committee on Veterans' Affairs and Homeland Security then the Judiciary.

**By Delegate Foster:**

**H. B. 2676** - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Financial Institutions to promulgate a legislative rule relating to money transmission services"; to the Committee on Finance then the Judiciary.

**By Delegate Foster:**

**H. B. 2677** - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commission to promulgate a legislative rule relating to suitability in annuity transactions"; to the Committee on Finance then the Judiciary.

**By Delegate Foster:**

**H. B. 2678** - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commission to promulgate a legislative rule relating to pharmacy auditing entities and pharmacy benefit managers"; to the Committee on Finance then the Judiciary.

**By Delegate Foster:**

**H. B. 2679** - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commission to promulgate a legislative rule relating to bail bondsmen in criminal case"; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2680** - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the

Lottery Commission to promulgate a legislative rule relating to West Virginia lottery sports wagering"; to the Committee on Finance then the Judiciary.

**By Delegate Foster:**

**H. B. 2681** - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Tax Department to promulgate a legislative rule relating to Valuation of producing and reserve oil, natural gas liquids, and natural gas for ad valorem property tax purposes"; to the Committee on Finance then the Judiciary.

**By Delegate Foster:**

**H. B. 2682** - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Tax Department to promulgate a legislative rule relating to West Virginia Film Industry Investment Act"; to the Committee on Finance then the Judiciary.

**By Delegate Foster:**

**H. B. 2683** - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Tax Department to promulgate a legislative rule relating to Farm-to-Food Bank tax credit"; to the Committee on Finance then the Judiciary.

**By Delegate Foster:**

**H. B. 2684** - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Tax Department to promulgate a legislative rule relating to property transfer tax"; to the Committee on Finance then the Judiciary.

**By Delegate Foster:**

**H. B. 2685** - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Tax Department to promulgate a legislative rule relating to municipal sales and use tax administration"; to the Committee on Finance then the Judiciary.

**By Delegate Foster:**

**H. B. 2686** - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Tax Department to promulgate a legislative rule relating to personnel rule for the Tax Division"; to the Committee on Finance then the Judiciary.

**By Delegate Foster:**

**H. B. 2687** - "A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to administrative due process"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate Foster:**

**H. B. 2688** - "A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to examination and issuance of driver's license"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate Foster:**

**H. B. 2689** - "A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to denial, suspension, revocation, disqualification, restriction, nonrenewal, cancellation, administrative appeals, and reinstatement of driving privileges"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate Foster:**

**H. B. 2690** - "A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Highways to promulgate a legislative rule relating to disposal, lease and management of real property and appurtenant structures and relocation assistance"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate Foster:**

**H. B. 2691** - "A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Highways to promulgate a legislative rule relating to construction and reconstruction of state roads"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate Foster:**

**H. B. 2692** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Accountancy to promulgate a legislative rule relating to board rules of professional conduct"; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2693** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Acupuncture to promulgate a legislative rule relating to advertising by licensed acupuncturists"; to the Committee on Government Organization then the Judiciary.

**By Delegate Foster:**

**H. B. 2694** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Acupuncture to promulgate a legislative rule relating to standards of practice of acupuncture by licensed acupuncturists"; to the Committee on Government Organization then the Judiciary.

**By Delegate Foster:**

**H. B. 2695** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Acupuncture to promulgate a legislative rule relating to continuing education requirements"; to the Committee on Government Organization then the Judiciary.

**By Delegate Foster:**

**H. B. 2696** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to promulgate a legislative rule relating

to West Virginia apiary rule"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2697** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to schedule of charges for inspection services: fruit"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2698** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to noxious weeds rule"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2699** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to Grade 'A' pasteurized milk"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2700** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Agriculture Commissioner to promulgate a legislative rule relating to inspection of nontraditional, domesticated animals"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2701** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to hemp products"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2702** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to livestock care standards"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2703** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to farm to food bank tax credit"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2704** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to farmers markets"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2705** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Athletic Commission to promulgate a legislative rule relating to administrative rules of the West Virginia State Athletic Commission"; to the Committee on Government Organization then the Judiciary.

**By Delegate Foster:**

**H. B. 2706** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Athletic Commission to promulgate a legislative rule relating to regulation of mixed martial arts"; to the Committee on Government Organization then the Judiciary.

**By Delegate Foster:**

**H. B. 2707** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Auditor to promulgate a legislative rule relating to standards



for voluntary payroll deductions"; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2708** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Conservation Agency to promulgate a legislative rule relating to operation of West Virginia State Conservation Committee and conservation districts"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2709** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Conservation Agency to promulgate a legislative rule relating to conservation district accounting and auditing standards"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2710** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Dentistry to promulgate a legislative rule relating to dental recovery networks"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2711** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to funeral director, embalmer, apprentice, courtesy card holders and funeral establishment requirements"; to the Committee on Government Organization then the Judiciary.

**By Delegate Foster:**

**H. B. 2712** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to crematory requirements"; to the Committee on Government Organization then the Judiciary.

**By Delegate Foster:**

**H. B. 2713** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to fee schedule"; to the Committee on Government Organization then the Judiciary.

**By Delegate Foster:**

**H. B. 2714** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Landscape Architects to promulgate a legislative rule relating to registration of landscape architects"; to the Committee on Government Organization then the Judiciary.

**By Delegate Foster:**

**H. B. 2715** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to licensing of physicians and podiatric physicians and disciplinary procedures for applicants, licensees, credential holders"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2716** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to licensure, practice requirements, disciplinary and complaint procedures, continuing education, physician assistants"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2717** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to collaborative pharmacy practice"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2718** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the

Board of Medicine to promulgate a legislative rule relating to prohibiting sexual misconduct by health care practitioners"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2719** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Optometry to promulgate a legislative rule relating to optometric telehealth practice"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2720** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2721** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2722** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to Uniform Controlled Substance Act"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2723** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to Board of Pharmacy rules for registration of pharmacy technicians"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2724** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to regulations governing pharmacy permits"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2725** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to inspections"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2726** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to Donated Drug Repository Program"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2727** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners of Psychologists to promulgate a legislative rule relating to code of conduct"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2728** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Registered Nurses to promulgate a legislative rule relating to telehealth practice; requirements; definitions"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2729** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Registered Nurses to promulgate a legislative rule relating to practitioner requirements for accessing the West Virginia

Controlled Substance Monitoring Program database"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2730** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Registered Nurses to promulgate a legislative rule relating to fees for services rendered by the board"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2731** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Registered Nurses to promulgate a legislative rule relating to continuing education and competence"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2732** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Registered Nurses to promulgate a legislative rule relating to limited prescriptive authority for nurses in advanced practice"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2733** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Registered Nurses to promulgate a legislative rule relating to advanced practice registered nurse licensure requirements"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2734** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Registered Nurses to promulgate a legislative rule relating to requirements for registration and licensure and conduct constituting professional misconduct"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2735** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to early voting in-person satellite precincts"; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2736** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to Combined Voter Registration and Driver Licensing Fund"; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2737** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to administrative procedures for the Nonpublic Funding for Election Administration Fund"; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2738** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Treasurer to promulgate a legislative rule relating to enforcement of the Uniform Unclaimed Property Act"; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2739** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Treasurer to promulgate a legislative rule relating to Jumpstart Savings Program"; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2740** - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Department of Economic Development to promulgate a legislative rule relating to Small Business Innovation

Research and Small Business Technology Transfer Matching Funds Program"; to the Committee on Finance then the Judiciary.

**By Delegate Foster:**

**H. B. 2741** - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to the West Virginia Board of Manufactured Housing construction and safety"; to the Committee on Government Organization then the Judiciary.

**By Delegate Foster:**

**H. B. 2742** - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to supervision of plumbing work"; to the Committee on Government Organization then the Judiciary.

**By Delegate Foster:**

**H. B. 2743** - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to regulation of heating, ventilating, and cooling work"; to the Committee on Government Organization then the Judiciary.

**By Delegate Foster:**

**H. B. 2744** - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to registration of service persons and service agencies"; to the Committee on Government Organization then the Judiciary.

**By Delegate Foster:**

**H. B. 2745** - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to registration of weighing and measuring devices used by businesses in commercial transactions"; to the Committee on Government Organization then the Judiciary.

**By Delegate Foster:**

**H. B. 2746** - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to hunting, fishing, and other outfitters and guides"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2747** - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to commercial whitewater outfitters"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2748** - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to special motorboating regulations"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 2749** - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to miscellaneous permits and licenses"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**Special Calendar****Second Reading**

**Com. Sub. for H. B. 2526**, Relating to reducing the personal income tax; on second reading, coming up in regular order, was read a second time.

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



**First Reading**

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

**H. B. 2017**, Relating to service of process in child abuse cases,

**Com. Sub. for H. B. 2018**, Permitting the managed care case coordinator to attend the multidisciplinary team meeting,

**H. B. 2029**, Repealing the creation of an all-payor claims database,

And,

**H. B. 2506**, Creating a title clearinghouse for non-resident businesses.

**Miscellaneous Business**

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

**H. B. 2034**: Delegate Dillon;

**H. B. 2035**: Delegate Fehrenbacher;

**H. B. 2047**: Delegate Brooks;

**H. B. 2054**: Delegate Williams;

**H. B. 2064**: Delegate Brooks;

**H. B. 2069**: Delegate Maynor;

**H. B. 2074**: Delegates Crouse and Kirby;

**H. B. 2134**: Delegates Summers and Tully;

**H. B. 2191**: Delegate Ross;

**H. B. 2216**: Delegates Bridges, Burkhammer, Dean, Dillon, Honaker, Jennings, Petitto, Ross and Shamblin;

- H. B. 2251:** Delegate Kirby;  
**H. B. 2252:** Delegate Kirby;  
**H. B. 2327:** Delegate Crouse;  
**H. B. 2334:** Delegate Crouse;  
**H. B. 2347:** Delegate Crouse;  
**H. B. 2386:** Delegates Dillon, Kirby and Mazzocchi;  
**H. B. 2492:** Delegate Kirby;  
**H. B. 2523:** Delegate Kump;  
**H. B. 2524:** Delegate Kump;  
**H. B. 2536:** Delegate Kump;  
**H. B. 2541:** Delegates Fehrenbacher and Heckert;  
**H. B. 2543:** Delegates Fehrenbacher and Heckert;  
**H. B. 2544:** Delegate Heckert;  
**H. B. 2545:** Delegates Kirby and Heckert;  
**H. B. 2546:** Delegates Fehrenbacher and Heckert;  
**H. B. 2556:** Delegate Kirby;  
**H. B. 2569:** Delegate Howell;  
**H. B. 2590:** Delegates DeVault and Heckert;  
And,  
**H. B. 2634:** Delegate Mallow.

At 11:23 a.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, January 18, 2023.

---

Wednesday, January 18, 2023

## **EIGHTH DAY**

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

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

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

The Clerk proceeded to read the Journal of Tuesday, January 17, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

### **Committee Reports**

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

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

**H. B. 2006**, Relating to reorganizing the Department of Health and Human Resources,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2006) was referred to the Committee on Finance.

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

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

**H. B. 2050**, West Virginia Economic Diversification Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2050) was referred to the Committee on Finance.

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

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

**H. B. 2169**, Provide valuation limitations to the Tax Commissioner for coal properties and to clarify the penalty for non-filers,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2169) was referred to the Committee on Finance.

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2222**, Prohibiting driving slow in left lane except under certain circumstances,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2222) was referred to the Committee on the Judiciary.

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2533**, Relating to a permanent windshield placard to be valid for the duration of the applicant's life,

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

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2530**, Relating to the extension of the expiration of temporary registration plates from sixty days to ninety days,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2530** – “A Bill to amend and reenact §17A-6-15 of the Code of West Virginia, 1931, as amended; to amend and reenact §17A-6B-10 of said code; and to amend and reenact §17A-6C-11, all relating to the extension of the expiration of temporary registration plates from sixty days to ninety days,”

With the recommendation that the committee substitute do pass.

### **Resolutions Introduced**

The following resolution was introduced and referred as follows:

**By Delegate Holstein:**

**H. C. R. 6** – “Proclaiming and making the fiddle the official musical instrument of the State of West Virginia”; to the Committee on Rules.

**Bills Introduced**

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

**By Delegates Hardy, Householder, Willis, Foggin, Hornby, Chiarelli, Warner and Horst:**

**H. B. 2750** - “A Bill to amend and reenact §5B-2-4a of the Code of West Virginia, as amended, relating to the state allocation of funding to regional councils; and eliminating the maximum state allocation allowed to each eligible regional council”; to the Committee on Economic Development and Tourism.

**By Delegate Foster:**

**H. B. 2751** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31E-17-1, §31E-17-2, §31E-17-3, §31E-17-4, §31E-17-5, §31E-17-6 and §31E-17-7, all relating to creating the West Virginia Volunteer Immunity and Charitable Organization Liability Limit Act; providing a short title and declaration of intent; including definitions; providing for volunteer immunity from civil liability in certain circumstances; addressing limitations on organization liability; addressing exclusions and severability”; to the Committee on the Judiciary.

**By Delegates Dillon, Steele, Ross and Foster:**

**H. B. 2752** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section article, designated §31E-17-1701, §31E-17-1702, and §31E-17-1703, relating to creating the ‘Non-Profit Transparency and Accountability Act,’ naming the act, putting forth legislative findings, requiring that all nonprofit organizations that receive any part of their total operating funds from public sources, whether state or federal, shall be subject to Freedom of Information Act requests and bear the responsibility

to respond to these requests under the same requirements as a public body”; to the Committee on the Judiciary.

**By Delegate Steele:**

**H. B. 2753** - “A Bill to amend and reenact §17C-1-70 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-11-8 of said code, all relating to modifying e-bike regulations to more closely comport to federal law; creating new definitions of e-bikes in West Virginia; permitting Class 2 e-bikes to use throttles; allowing e-bikes to be operated on public lands so as to increase their usage and accessibility; and stating that e-bike users will not be given special privileges not otherwise given to similarly situated riders”; to the Committee on Economic Development and Tourism then the Judiciary.

**By Delegates Summers, Tully, Forsht, Heckert, Petitto and Jeffries:**

**H. B. 2754** - “A Bill to amend and reenact §30-5-7 of the Code of West Virginia, 1931, as amended, relating to immunizations performed in a pharmacy; permitting a pharmacy technician to perform an immunization; and reducing the age of a recipient”; to the Committee on Health and Human Resources.

**By Delegate Foster:**

**H. B. 2755** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-22-1, §55-22-2, §55-22-3, and §55-22-4, all relating to creating the Alternative Dispute Resolution Act; providing parties to a lawsuit with choices for resolving their dispute that save time and money, when compared to formal court proceedings, by encouraging alternative dispute resolution (ADR) procedures – limited discovery, confidential proceedings, and nonjudicial assistance in evaluating the parties’ claims”; to the Committee on the Judiciary.

**By Delegates Summers, Tully, Forsht, Heckert, Petitto and Cannon:**

**H. B. 2756** - “A Bill to amend and reenact §16A-8-1 of the Code of West Virginia, 1931, as amended, relating to the controlled substance monitoring database; and adding the reporting of

medical marijuana to the database”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Summers, Forsht, Miller, Reynolds, Sheedy, Heckert, Petitto, Jeffries and Cannon:**

**H. B. 2757** - “A Bill to amend and reenact §18C-9-3 of the Code of West Virginia, as amended, 1931, relating to amending eligibility for the West Virginia Invest program, providing that a not-for-profit hospital based allied health program is eligible for the West Virginia Invest Program”; to the Committee on Health and Human Resources.

**By Delegates Tully, Shamblin, Forsht, Miller, Heckert and Petitto:**

**H. B. 2758** - “A Bill to amend and reenact §16-5C-5 of the Code of West Virginia, 1931, as amended, relating to updating the minimum standards for nursing homes”; to the Committee on Health and Human Resources.

**By Delegates Summers, Tully, Forsht, Miller, Heckert and Petitto:**

**H. B. 2759** - “A Bill to amend and reenact §11-27-39 of the Code of West Virginia, 1931, as amended, relating to updating the health care provider tax”; to the Committee on Health and Human Resources then Finance.

**By Delegates Ross, Dillon, Burkhammer and A. Hall:**

**H. B. 2760** - “A Bill to amend and reenact §17C-1-6 of the Code of West Virginia, 1931, as amended, relating to permitting firefighters to drive ambulances when both attendants are needed to administer patient care”; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

**By Delegates Ross and Dillon:**

**H. B. 2761** - “A Bill to amend and reenact §18A-2-2 of the Code of West Virginia, 1931, as amended, relating to authorizing county boards to employ eligible classroom aides as classroom teachers when certain conditions are met”; to the Committee on Education.



**By Delegates Nestor, Horst, Clark, Hanna, Longanacre, Martin, Hott, Riley, Honaker, Vance and Statler:**

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

**By Delegates Steele, Burkhammer, Foster, Smith, Mazzocchi and Butler:**

**H. B. 2763** - “A Bill to amend and reenact §61-2-1 of the Code of West Virginia, 1931, as amended, relating to crimes against the person and updating the definition of murder in the first degree when the intended victim is engaged in the course of performing his or her official duties as a law enforcement officer or employee in designated classifications of law enforcement employees; whether federal or state; including specifically identified intended victims who are employees engaged in the course of performing his or her official duties as employees of the Division of Juvenile services; including specifically identified intended victims who are employees engaged in the course of performing his or her official duties and defined as employees as first responders; including specifically identified intended victims who are employees engaged in the course of performing his or her official duties as employees of a state correctional facility, federal correctional facility, regional jail, county operated jail or holding facility or other such facilities; including when the intended victim is actively engaged in the course of performing his or her official duties as a Justice of the West Virginia Supreme Court of Appeals, Judge with the West Virginia Intermediate Court of Appeals, Circuit Judge, Family Court Judge, or Magistrate; or when the intended victim is actively engaged in the course of performing his or her official duties as a Child Protective Services worker employed by the West

Virginia Department of Health and Human Resources, or individuals employed or contracted to provide social services for the West Virginia Department of Health and Human Resources”; to the Committee on the Judiciary.

**By Delegates Steele and Smith:**

**H. B. 2764** - “A Bill to amend and reenact §6-7-2 of the Code of West Virginia, 1931, as amended, relating to increasing compensation of designated constitutional officers, including for the Attorney General, Auditor, Secretary of State, Commissioner of Agriculture, and State Treasurer”; to the Committee on Finance.

**By Delegates Steele, Burkhammer, Foster, Smith, Holstein, Mazzocchi and Butler:**

**H. B. 2765** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-15-19; to amend said code by adding thereto a new section, designated §8-15-28; and to amend said code by adding thereto a new section, designated §16-4C-25, all relating to authorizing certain first responders to carry firearms; authorizing supervising entities to authorize ambulance crew members, firefighters, rescue squad members and emergency service personnel to carry firearms; specifying the training required for such persons to be eligible to carry a firearm; and allowing for reimbursement for the cost of the training”; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

**By Delegates Steele, Burkhammer, Foster, Smith, Holstein, Mazzocchi and Butler:**

**H. B. 2766** - “A Bill to amend and reenact §15A-4-17 of the Code of West Virginia, 1931, as amended, relating to corrections management and the deduction from a sentence of incarceration for good conduct; providing that an inmate sentenced to a life sentence, certain offenses relating to crimes against the person, sexual offenses, child abuse, or human trafficking is not eligible for good time; requiring that all persons not eligible for good time have one year of mandatory post-release supervision following the first instance in which the inmate reaches his or her calculated discharge date; and providing that all inmates so released are subject to

electronic or GPS monitoring for the entire period of supervision”; to the Committee on Jails and Prisons then the Judiciary.

**By Delegates Steele, Foster and Smith:**

**H. B. 2767** - “A Bill to amend and reenact §6-7-2 of the Code of West Virginia, 1931, as amended, relating to providing a housing allowance of \$2,000 per month for designated state constitutional officers to assist in residing in the seat of state government”; to the Committee on Finance.

**By Delegates Steele, Foster, Smith, Holstein and Mazzocchi:**

**H. B. 2768** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-27, relating to requiring all Chapter 30 boards and state entities to utilize ‘.gov’ website domains and e-mail addresses in order to clearly identify such entities and boards as official government entities”; to the Committee on Government Organization.

**By Delegates Foster, Riley, Smith, Butler, Jennings, Espinosa, Hanna, Householder, Burkhammer, Chiarelli and Summers:**

**H. B. 2769** - “A Bill to amend and reenact §16-34-2 and §16-34-3 of the Code of West Virginia, 1931, as amended; to repeal §16-34-4 of said code; and to amend and reenact §16-34-5, §16-34-6, §16-34-7, §16-34-8, §16-34-10, §16-34-12, and §16-34-13 of said code, all relating to removing the licensure requirement for radon mitigation contractors, radon mitigation specialists, and radon testers”; to the Committee on Government Organization.

**By Delegate Foster:**

**H. B. 2770** - “A Bill to amend and reenact §30-18-2 of the Code of West Virginia, 1931, as amended, all relating to the eligibility and application requirements for private investigator and security guard licensure”; to the Committee on Government Organization.

**By Delegate Foster:**

**H. B. 2771** - “A Bill to amend and reenact §21-1D-2 of the Code of West Virginia, 1931, as amended, relating to removing

marijuana as a tested substance from the screening requirements of the West Virginia Alcohol and Drug-Free Workplace Act”; to the Committee on Workforce Development then the Judiciary.

**By Delegate Foster:**

**H. B. 2772** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-10R-1, §18-10R-2, §18-10R-3, §18-10R-4, §18-10R-5, §18-10R-6, §18-10R-7, §18-10R-8, §18-10R-9, §18-10R-10, §18-10R-11, §18-10R-12, §18-10R-13, §18-10R-14, §18-10R-15, §18-10R-16, and §18-10R-17, all relating to creating a Statewide Online Education Program to enable eligible students to earn high school graduation credit through the completion of publicly funded online courses”; to the Committee on Education.

**By Delegate Foster:**

**H. B. 2773** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-34-1 and §18-34-2, all relating to creating the Education Tax Credit, against taxes actually owed, for qualifying expenses of parents or guardians of children in grade levels K through 12”; to the Committee on Education then Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff  
[By Request of the Executive]:**

**H. B. 2774** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9A-7-1, §9A-7-2, §9A-7-3, §9A-7-4, §9A-7-5, §9A-7-6, §9A-7-7, and §9A-7-8, all relating to establishing a pilot program to provide grants to veterans who relocate to West Virginia to reside and work; creating the program; defining terms; creating the Welcome Home Grant Program Fund; specifying distribution of grant awards; requiring management and implementation by the Department of Veteran’s Affairs; requiring annual reporting; and specifying a date for the termination of the pilot program unless extended by the Legislature”; to the Committee on Veterans' Affairs and Homeland Security then Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff****[By Request of the Executive]:**

**H. B. 2775** - “A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-4-2 of said code; and to amend and reenact §18A-4-8a of said code, all relating to increasing annual salaries of certain employees of the state; increasing the salaries of members of the West Virginia State Police and certain personnel thereof; increasing annual salaries of public school teachers; increasing annual salaries of school service personnel; and providing an effective date”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff****[By Request of the Executive]:**

**H. B. 2776** - “A Bill to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act; and specifying effective dates”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff****[By Request of the Executive]:**

**H. B. 2777** - “A Bill to amend and reenact §11-24-3 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act; and specifying effective dates”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff****[By Request of the Executive]:**

**H. B. 2778** - “A Bill to amend and reenact §18-5-27 of the Code of West Virginia, 1931, as amended, relating to a school’s requirement to publish curriculum online at the beginning of each new school year, or within 30 days after curriculum is revised or new curriculum is adopted; requiring schools to publish adopted, up-to-date classroom curriculum”; to the Committee on Education.

**By Delegates Street, Foster, Burkhammer, Willis, Chiarelli, Honaker and Hornby:**

**H. B. 2779** - “A Bill to amend and reenact §21A-6-3 of the Code of West Virginia, 1931, as amended, relating to unemployment compensation; employee eligibility; and providing that a person who fails a random testing for alcohol or illegal controlled substances for employees in safety-sensitive positions is disqualified for benefits”; to the Committee on Workforce Development then the Judiciary.

**By Delegate Foster:**

**H. B. 2780** - “A Bill to repeal §8-13-6 of the Code of West Virginia, 1931, as amended, relating to the repeal of the municipal amusement tax”; to the Committee on Finance.

**By Delegate Dillon:**

**H. B. 2781** - “A Bill to amend and reenact §17-2A-8 of the Code of West Virginia, 1931, as amended, relating to requiring the Commissioner of Highways to prepare and present, annually, to the Legislature a comprehensive highway paving plan establishing routine repaving of all normally asphalt-surfaced roads”; to the Committee on Technology and Infrastructure.

**By Delegates Chiarelli, Foster, Kirby, Willis, Brooks, Keaton, Hanna, Hardy, Hornby, C. Pritt and McGeehan:**

**H. B. 2782** - “A Bill to amend and reenact §3-1-31 of the Code of West Virginia, 1931, as amended, relating to requiring that municipal elections be held concurrently with regularly scheduled primary or general elections”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Chiarelli, Foster, Kirby and Brooks:**

**H. B. 2783** - “A Bill to amend and reenact §19-34-5 of the Code of West Virginia, 1931, as amended, relating to exempting primates from the Dangerous Wild Animal Board’s list of animals to be classified as dangerous wild animals”; to the Committee on Agriculture and Natural Resources then Government Organization.

**By Delegate Dillon:**

**H. B. 2784** - “A Bill to amend and reenact §7-4-1 and §7-4-6 of the Code of West Virginia, 1931, as amended, all relating to the mandatory duty of prosecuting attorneys to prosecute persons accused of committing criminal acts; duty to create file on cases not prosecuted; and when the county commission, in cooperation with the West Virginia prosecuting attorneys Institute, shall select and appoint a special prosecuting attorney”; to the Committee on the Judiciary.

**By Delegates Walker and Hansen:**

**H. B. 2785** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-30, relating to reimbursing individuals for healthcare costs at a facility who no longer accepts PEIA”; to the Committee on Health and Human Resources then Finance.

**By Delegates Dillon, Pinson, Ross, Chiarelli and Holstein:**

**H. B. 2786** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-16-1, §4-16-2, and §4-16-3, all relating to the creation of the Objective Reality in Government Act; providing for a short title; providing for legislative findings; and providing for the establishment of the act”; to the Committee on Government Organization then the Judiciary.

**By Delegate Dillon:**

**H. B. 2787** - “A Bill to amend and reenact §19-14-2 and §19-14-5 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia commercial feed law; providing that a person engaged in selling products or commodities produced exclusively on their own farm is not a distributor and is exempt from obtaining a Commercial Feed Distributor Permit”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Dillon and Ross:**

**H. B. 2788** - “A Bill to repeal §17C-16-1, §17C-16-2, §17C-16-3, §17C-16-4, §17C-16-5, §17C-16-6, §17C-16-7, §17C-16-8, and §17C-16-9 of the Code of West Virginia, 1931, as amended, relating to the elimination of mandatory state inspections of motor

vehicles”; to the Committee on Technology and Infrastructure then Finance.

**By Delegates Crouse, Espinosa, McGeehan, Mallow, Longanacre, Kump, Forsht, Heckert, Worrell, Kirby and Tully:**

**H. B. 2789** - “A Bill to amend and reenact §16-2D-8, §16-2D-10, and §16-2D-11 of the Code of West Virginia, 1931, as amended, all relating to certificate of need; providing which health services require a certificate of need; and exempting certain health services from certificate of need”; to the Committee on Health and Human Resources.

**By Delegates Dillon, Foster, Ross, Burkhammer, Chiarelli, Gearheart, Longanacre and Holstein:**

**H. B. 2790** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-1-8e, relating to the West Virginia Historical Monument Preservation and Restoration Act of 2023; prohibiting the relocation, removal, alteration, renaming, rededication, or other disturbance of any statue, monument, memorial, nameplate, or plaque which is located on public property and has been erected for, or named, or dedicated in honor of certain historical military, civil rights, natural disasters or accidents, and Native American events, figures, and organizations; prohibiting any person from preventing the governmental entity having responsibility for maintaining the items, structures, or areas from taking proper measures to protect, preserve, care for, repair, or restore the items, structures, or areas; and authorizing the West Virginia State Historic Preservation Office to grant waivers under certain circumstances”; to the Committee on Government Organization.

**By Delegate Maynor:**

**H. B. 2791** - “A Bill to amend and reenact §7-12-3 of the Code of West Virginia, 1931, as amended, relating to changing the manner of appointing members to county authorities; and allowing appointments of members from contiguous counties”; to the Committee on Political Subdivisions then Government Organization.



**By Delegates Maynor, Kump, Kirby, Brooks and Willis:**

**H. B. 2792** - “A Bill to amend and reenact §3-5-6, §3-5-6a, §3-5-6b, §3-5-6c, §3-5-6d, and §3-5-6e of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-10-3 of said code, all relating to providing for a runoff election in certain nonpartisan elections where no candidate receives more than 50 percent of the votes cast in an election”; to the Committee on the Judiciary.

**By Delegates Kelly, Phillips, Steele, Garcia, Foster, Honaker, Nestor, Ridenour, Shamblin, Westfall and Mallow:**

**H. B. 2793** - “A Bill to amend and reenact §27-5-2 of the Code of West Virginia, 1931, as amended, relating to mentally ill persons; clarifying the process for involuntary hospitalization of an inmate; specifying certain grounds upon which an application for involuntary hospitalization may not be summarily denied; and making technical corrections”; to the Committee on Jails and Prisons then the Judiciary.

**By Delegate Holstein:**

**H. B. 2794** - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to permitting the creation of a special license plate for 100% disabled veterans”; to the Committee on Technology and Infrastructure.

**By Delegate Holstein:**

**H. B. 2795** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-31, relating to crimes against the person; the definition of libel; liability; exceptions; criminal proceedings; and criminal penalties”; to the Committee on the Judiciary.

**By Delegates Holstein, Foster, Mazzocchi, Linville, Horst, Cannon and Steele:**

**H. B. 2796** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9v relating to exempting daylight fluorescent orange outer garments from sales tax”; to the Committee on Finance.

**By Delegates Statler and Foster:**

**H. B. 2797** - “A Bill to amend and reenact §18-31-7 of the Code of West Virginia, 1931, as amended, relating to the Hope Scholarship Program; and providing that microschoool tuition and fees are qualifying expenses for Hope Scholarship accounts”; to the Committee on Education.

**By Delegates Holstein, Mazzocchi, Adkins, Dean, Steele, Toney, Ross, Vance and Dillon:**

**H. B. 2798** - “A Bill to amend and reenact §23-4-15 of the Code of West Virginia, 1931, as amended, relating to clarifying that the time limitations provided for filing occupational pneumoconiosis claims do not apply or otherwise limit the ability of a claimant to obtain an evaluation from the Occupational Pneumoconiosis Board”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Howell:**

**H. B. 2799** - “A Bill to amend and reenact §61-3-24 of the Code of West Virginia, 1931, as amended, to impose criminal liability and penalties upon purchasers of goods for delivery who refuse to return rejected goods to the vendor after the purchaser has had their purchase money reimbursed”; to the Committee on the Judiciary.

**By Delegate Ellington:**

**H. B. 2800** - “A Bill to amend and reenact §18B-17-2 and §18B-17-3 of the Code of West Virginia, 1931, as amended, all relating to authorizing legislative rules regarding higher education; authorizing legislative rules for the Higher Education Policy Commission regarding Performance-Based Funding Formula, Capital Project Management, Tuition and Fee Policy, Higher Education Grant Program, Annual Reauthorization of Degree-Granting Institutions, and Human Resources Administration; and authorizing legislative rules for the Council for Community and Technical College Education regarding Performance-Based Funding Formula, Capital Project Management, Workforce Development Initiative Grant Programs, Annual Reauthorization of Degree-Granting Institutions, and Human Resources Administration”; to the Committee on Education.

**By Delegate Young:**

**H. B. 2801** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-21-1, relating to prohibiting an institution of higher education from requiring a current or prospective student, or current or prospective employee, to disclose their username or password for social media accounts or to require such person to change their social media privacy settings, or add an employee or volunteer of the institution of higher education; and prohibiting an institution of higher education from taking action against such current or prospective student, or current or prospective employee, such as threatening to discharge, discipline, prohibit from participating in curricular or extracurricular activities, or otherwise penalize a current student for asserting their right under this article”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate Young:**

**H. B. 2802** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-1-12, relating to providing tuition fees at an institution of higher education for certain persons, who are not yet residents, at the rate for residents of the state; and providing requirements to be met by these persons before qualified for resident tuition rates, based upon employment by a business or organization that is established in this state as part of a program under the Economic Development Act of 1985”; to the Committee on Education then Finance.

**By Delegate Young:**

**H. B. 2803** - “A Bill to amend and reenact §3-2-2 of the Code of West Virginia, 1931, as amended, relating to eligibility of voters; removing the prohibition voter registration for persons convicted of certain felonies who have fully served their sentence; requiring the Division of Corrections to notify persons of their renewed eligibility to vote upon release; and requiring the Division of Probation to notify persons of their renewed voter eligibility upon discharge”; to the Committee on the Judiciary.

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

**Com. Sub. for H. B. 2526**, Relating to reducing the personal income tax on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

Delegates Rowe, Skaff, Fluharty, Griffith, Walker, Hansen, Williams, Young, E. Pritt, Pushkin, Garcia and Hornbuckle moved to amend the bill on pages one through 5, following the enacting clause, by striking out the provisions of §11-21-4g, §11-21-4h and §11-21-4i from the bill, and inserting in lieu thereof, the following:

**“§11-21-4g Rate of tax — Taxable years beginning on and after January 1, 2023.**

(a) Rate of tax on individuals (except married individuals filing separate returns), individuals filing joint returns, heads of households, and estates and trusts. — The tax imposed by §11-21-3 of this code on the West Virginia taxable income of every individual (except married individuals filing separate returns); every individual who is a head of a household in the determination of his or her federal income tax for the taxable year; every husband and wife who file a joint return under this article; every individual who is entitled to file his or her federal income tax return for the taxable year as a surviving spouse; and every estate and trust shall be determined in accordance with the following table:

**If the West Virginia taxable**

**income is:**

**The tax is:**

Over \$80,000

\$6.5% for all income over \$80,000.

(b) Rate of tax on married individuals filing separate returns. — In the case of husband and wife filing separate returns under this article for the taxable year, the tax imposed by §11-21-3 of this code on the West Virginia taxable income of each spouse shall be determined in accordance with the following table:

**If the West Virginia taxable**

**income is:**

**The tax is:**

Over \$40,000

\$6.5% of excess over \$40,000

(c) Applicability of this section. — The provisions of this section shall be applicable in determining the rates of tax imposed

by this article and shall apply retroactively for all taxable years beginning on and after January 1, 2023 and shall be in lieu of the rates of tax specified in §11-21-4e of this code.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 6**), and there were—yeas 11, nays 86, absent and not voting 3, with the yeas and the absent and not voting being as follows:

Yeas: Fluharty, Garcia, Griffith, Hansen, Hornbuckle, E. Pritt, Pushkin, Rowe, Skaff, Williams and Young.

Absent and Not Voting: Espinosa, Walker and Ward.

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

Delegate Espinosa, who was absent on Roll No. 6, noted to the Clerk that he would have voted “Nay” thereon.

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 7**), 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: Hansen and Williams.

Absent and Not Voting: Espinosa, Walker and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2526) passed.

Delegate Espinosa, who was absent on Roll No. 7, noted to the Clerk that he would have voted “Yea” thereon.

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

On this question, the yeas and nays were taken (**Roll No. 8**), and there were—yeas 94, nays 2, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Hansen and Williams.

Absent and Not Voting: Espinosa, Longanacre, Walker 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. 2526) takes effect from its passage.

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

### **Second Reading**

**S. B. 161**, Authorizing DNR to manage and dispose of property; on second reading, coming up in regular order, was read a second time.

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

**S. B. 162**, Authorizing director of DNR to lease state-owned pore spaces in certain areas for carbon sequestration; on second reading, coming up in regular order, was read a second time.

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

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

**Com. Sub. for H. B. 2018**, Permitting the managed care case coordinator to attend the multidisciplinary team meeting; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2029**, Repealing the creation of an all-payor claims database; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2506**, Creating a title clearinghouse for non-resident businesses; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

### **First Reading**

The following bill on first reading, coming up in regular order, was read a first time and ordered to second reading:

**Com. Sub. for H. B. 2412**, Declaring November 14 every year, a special Memorial Day in remembrance of the Marshall University airplane crash.

### **Leaves of Absence**

Unanimous consent having been obtained, leaves of absence for the day were granted Delegates Espinosa, Walker and Ward.

### **Miscellaneous Business**

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

**H. B. 2128**: Delegate Crouse;

**H. B. 2244**: Delegates Brooks, Fast, Foster and Pritt;

**H. B. 2436**: Delegates Foggin, Forsht, Hardy, Heckert, Honaker, Jennings, Mallow; Miller, Summers and Worrell;

**H. B. 2505:** Delegate Heckert;

And,

**H. B. 2604:** Delegate Heckert.

At 12:23 a.m., the House of Delegates adjourned until 11:00 a.m., Thursday, January 19, 2023.



---

Thursday, January 19, 2023

**NINTH DAY**

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

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

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

The Clerk proceeded to read the Journal of Wednesday, January 18, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2564**, Repeal of administrative hearing procedures for DUI offenses,

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

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

Your Committee on Government Organization has had under consideration:

**S. B. 128**, Clarifying authority of Governor and Legislature to proclaim and declare state of emergency and preparedness,

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

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

Your Committee on Government Organization has had under consideration:

**H. B. 2310**, Provide the Division of Motor Vehicles authority to develop an “Antique Fleet” program so that multiple antique motor vehicles may utilize a single registration plate,

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

Delegate Martin, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 2244**, Providing a process by which a city may hold an election to recall an ordinance,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2244) was referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration:

**H. B. 2602**, Reestablishing certain specialized school service personnel classifications,

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

In the absence of objection, reference of the bill (H. B. 2602) to the Committee on Finance was abrogated.

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

Your Committee on Education has had under consideration:

**H. B. 2003**, Providing early childhood assistant teachers and systems of support to help students achieve grade level literacy and numeracy by end of third grade,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2003) was referred to the Committee on Finance.

### **Resolutions Introduced**

The following resolutions were introduced and severally referred as follows:

**By Delegates Holstein, Foster and Steele:**

**H. R. 4** – “Condemning calls to defund the police”; to the Committee on Rules.

**By Delegate Holstein:**

**H. C. R. 7** – “Requesting the Division of Highways name a portion of Rt 85 South, starting at the Van Community Park of the community of Van and ending at the bridge at Clinton Camp Rd in Wharton in Boone County, the ‘U.S. Army SSG James C. Vickers Silver Star Highway’”; to the Committee on Technology and Infrastructure then Rules.

### **Bills Introduced**

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

**By Delegate Worrell:**

**H. B. 2804** - “A Bill to amend and reenact §5-11A-3a of the Code of West Virginia, 1931, as amended; to amend and reenact §5-22-1 of said code; to amend and reenact §21-1-3 of said code; to amend and reenact §21-3C-10a, §21-3C-10b, and §21-3C-11 of said code; to amend and reenact §21-9-2, and §21-9-9 of said code; to amend said code by adding thereto a new article, designated §21-11-1, §21-11-2, §21-11-3, §21-11-4, §21-11-5, §21-11-6, §21-11-7, §21-11-8, §21-11-9, §21-11-10, §21-11-11, §21-11-12, §21-11-13, §21-11-14, §21-11-15, §21-11-16, §21-11-17, §21-11-18, §21-11-19, and §21-11-20; to amend and reenact §21-9-2 and §21-9-9 of said code; to amend and reenact §21-11A-2 and §21-11A-4 of said code; to amend and reenact §21-16-4 of said code; to amend and reenact §21A-10-11 of said code; and to repeal §30-42-1, §30-42-2, §30-42-3, §30-42-4, §30-42-5, §30-42-6, §30-42-7, §30-42-8, §30-42-9, §30-42-10, §30-42-11, §30-42-12, §30-42-13, §30-42-14, §30-42-15, §30-42-16, §30-42-17, §30-42-18, §30-42-19, and §30-42-20, all relating to the West Virginia Contractor Licensing Act; providing for relocating the licensing of contractors from Chapter 30 back to Chapter 21 of this code; providing a short title and declaration of policy with definitions; continuing the West Virginia Contractor Licensing Board, its composition, and the terms, qualifications and appointment of members; defining administrative duties of board; authorizing the proposal of legislative rules; changing the congressional district residency requirement for members of the board; requiring contractor license and providing exemptions; providing licensing procedure; providing for expiration date, fees, and renewal of license; providing for revocation for unlawful use, assignment or transfer of license; providing for prerequisites to obtaining building permit and mandatory written contracts; providing for requiring informational list for basic universal design features; providing for injunction and criminal penalties for violation of article; providing for specific administrative duties of board and record keeping by the board; establishing authorization to grant reciprocity and to provide training to students who desire to obtain a West Virginia contractor license; providing for misdemeanor criminal penalties for violations of article; providing for limitations on municipalities, local governments, and counties from requiring a license to

perform contractor work; providing for an exemption from a contractor license for residential work up to \$5,000 and commercial work up to \$25,000; providing for an exemption from a contractor license for a person performing landscaping and painting services; establishing regulatory review schedule for board; and making technical changes to update code citation references throughout the code”; to the Committee on Government Organization.

**By Delegate Worrell:**

**H. B. 2805** - “A Bill to repeal §21-3C-14 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-3D-1, §21-3D-2, §21-3D-3, and §21-3D-8 of said code; to amend said code by adding thereto five new sections, designated, §21-3D-4, §21-3D-5, §21-3D-6, §21-3D-7; and §21-3D-9; to amend and reenact §21-14-2, and §21-14-7 of said code; to amend and reenact §21-16-2, §21-16-3, §21-16-5, and §21-16-8 of said code; to repeal §21-16-11 of said code; to amend and reenact §29-3B-2, §29-3B-3, §29-3B-4, §29-3B-6, and §29-3B-8 of said code; and to amend and reenact §29-3D-2, §29-3D-3, §29-3D-4, and §29-3D-7 of said code, all relating to licensure in this state; providing for local ordinances over state code precedence; modifying the national standard and national certification for crane operators; removing the legislative appropriation of the Crane Operators Certification Fund; modifying the definitions of a Journeyman and Master plumber; removing monetary penalties for performing plumbing work under certain conditions; providing for altered definitions of HVAC Technician; removing the requirement that an applicant for a HVAC technician license must provide documentation of up to 2,000 hours work, training, and experience; removing monetary penalties for improperly performing HVAC work under certain conditions; modifying eligibility for HVAC technician licensure; providing for altered definitions of Journeyman and Master electricians; removing exemptions for licensure under certain conditions; modifying time frames for electricians to renew a license without retesting; removing monetary penalties for performing electrical work under certain conditions; providing for definitions of fire protection workers; providing for an altered definition of Journeyman sprinkler fitter; modifying an exemption

from licensure when meeting certain conditions; removing monetary penalties for certain fire protection work; and providing for other minor technical changes”; to the Committee on Government Organization.

**By Delegate Foster:**

**H. B. 2806** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17B-2-10a, relating to an occupational limited license”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate Foster:**

**H. B. 2807** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-5H-1, §18-5H-2, §18-5H-3, and §18-5H-4, all relating to the Virtual Public School’s Act; providing a short title and declaration of intent; including definitions; and providing accountability requirements”; to the Committee on Education.

**By Delegate Steele:**

**H. B. 2808** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12n, relating to taxation of gambling and lottery winnings; providing those winnings are taxable income; allowing taxpayers to deduct certain losses incurred the same year; and providing for recordkeeping of those losses”; to the Committee on the Judiciary then Finance.

**By Delegates Summers and Tully:**

**H. B. 2809** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §26-12-1, relating to whistleblower protections for workers at state health care facilities who report unsafe patient care or unsafe patient conditions”; to the Committee on the Judiciary.

**By Delegate Young:**

**H. B. 2810** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-6-111, relating to providing for the destruction of customer records

that contain personal information no longer needed by the business”; to the Committee on the Judiciary.

**By Delegate Young:**

**H. B. 2811** - “A Bill to amend and reenact §3-3-1 of the Code of West Virginia, 1931, as amended, relating to voting; and allowing voters 65 and older to vote absentee”; to the Committee on the Judiciary.

**By Delegate Longanacre:**

**H. B. 2812** - “A Bill to amend and reenact §4-1-1 of the Code of West Virginia, 1931, as amended, relating to requiring the Legislature to conduct all official business at the State Capitol”; to the Committee on Government Organization.

**By Delegate Young:**

**H. B. 2813** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-29-1, §47-29-2, §47-29-3, and §47-29-4, all relating to menstrual product labeling; providing for definitions; providing for a plain and conspicuous list of ingredients; creating labeling requirement in addition to other regulations; and providing for a civil penalty”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Young:**

**H. B. 2814** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §24-2I-1 and §24-2I-2, all relating to the creation of a Clean Hydrogen Power Task Force in West Virginia; providing for a short title; and providing for the establishment of the task force”; to the Committee on Energy and Manufacturing.

**By Delegates Sheedy, Barnhart, Hillenbrand, Mallow, Willis and Longanacre:**

**H. B. 2815** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12n, relating to establishing a tax credit on West Virginia personal income tax for all active-duty military personnel, including National Guard active-duty members and reserve members; providing legislative findings; establishing the credit; and

providing for an effective date”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

**By Delegates Nestor, Hott, Kirby, Honaker, Forsht, Riley, Adkins, C. Pritt, Vance, Coop-Gonzalez and Warner:**

**H. B. 2816** - “A Bill to amend and reenact §8-11-1 of the Code of West Virginia, 1931, as amended, relating to ensuring that municipal officers adhere to the Model Rules of Judicial Conduct, to provide a means by which the integrity of the judicial system of the state is preserved, and to ensure that the constitutional rights of all people will be adequately protected by all courts of this state”; to the Committee on the Judiciary.

**By Delegates Cannon, Linville, Riley, Keaton, Shamblyn and Chiarelli:**

**H. B. 2817** - “A Bill to amend and reenact §24-2D-2 and §24-2D-3 of the Code of West Virginia, 1931, as amended, all relating to Public Service Commission jurisdiction over alternative fuel for motor vehicles, clarifying the definitions of alternative fuel and alternative fuel vehicles, limiting Public Service Commission jurisdiction over temporary charging locations for alternative fuel vehicles with movable generators for technological demonstrations at fairs, festivals, and other special events and at temporary charging locations with movable generators where the electric distribution grid has been adversely effected by emergencies or disasters, natural or otherwise, and making technical improvements”; to the Committee on Energy and Manufacturing then the Judiciary.

**By Delegates Horst, Mallow, Ferrell, Thorne, Holstein and Gearheart:**

**H. B. 2818** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-65, relating to moving the start of firearms deer season to begin the Saturday before the week of the Thanksgiving holiday every year”; to the Committee on Agriculture and Natural Resources then the Judiciary.



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

**H. B. 2819** - “A Bill to amend and reenact §18-9F-10 of the Code of West Virginia, 1931, as amended, relating to adding State Fire Marshals to the statute to be included with law enforcement along with local law enforcement and first responders that receive information related to school safety requirements”; to the Committee on Fire Departments and Emergency Medical Services then Education.

**By Delegates Crouse, Steele, Burkhammer, Kimble, Worrell, Cannon, Dillon, Butler, Maynor, Lucas and Pinson:**

**H. B. 2820** - “A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to allowing participants in the Hope Scholarship Program, Microschools and Learning Pods access to athletics”; to the Committee on Education.

**By Delegates Cannon, Steele and Fluharty:**

**H. B. 2821** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12n, relating to taxation of gambling and lottery winnings; providing those winnings are taxable income; allowing taxpayers to deduct certain losses incurred the same year; and providing for recordkeeping of those losses”; to the Committee on the Judiciary then Finance.

**By Delegate Linville:**

**H. B. 2822** - “A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to the consumers sales and service tax and returning the refundable exemption for sales of construction and maintenance materials acquired by a second party for use in Division of Highways projects; specifying duties of Tax Commissioner and Division of Highways; specifying procedure of the exemption; and setting forth calculation of reimbursement”; to the Committee on Technology and Infrastructure then Finance.

**By Delegates Kirby, Vance, Steele, Thorne, Foggin, Bridges, Crouse, C. Pritt, McGeehan, Brooks and Hanna:**

**H. B. 2823** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-3-4d, relating to allowing for religious exemptions of vaccine requirements in primary and secondary schools”; to the Committee on Health and Human Resources then Education.

**By Delegates Kirby, Vance, Steele, Thorne, Foggin, Bridges, Maynor, Crouse, C. Pritt, Holstein and Brooks:**

**H. B. 2824** - “A Bill to amend and reenact §18B-4-5a of the Code of West Virginia, 1931, as amended, relating to permitting the carrying of concealed weapons on the campus of a state institution of higher education”; to the Committee on Education then the Judiciary.

**By Delegates Kirby, Vance, Steele, Thorne, Heckert, Foggin, Bridges, Maynor, Crouse, C. Pritt and McGeehan:**

**H. B. 2825** - “A Bill amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-22, relating to providing limitations on mask wearing requirements”; to the Committee on Health and Human Resources.

**By Delegates Ellington, Toney, Statler, Gearheart, Storch, Mazzocchi and Smith:**

**H. B. 2826** - “A Bill to amend and reenact §11-14C-5 of the Code of West Virginia, 1931, as amended, relating to the motor fuel excise tax; and removing the variable rate component”; to the Committee on Finance.

**By Delegates Ellington, Clark, Smith, Chiarelli, Longanacre, Hornby, Statler and Toney:**

**H. B. 2827** - “A Bill to amend and reenact §18-5-48 of the Code of West Virginia, 1931, as amended, relating to safety and security measures for school facilities and the Safe Schools Fund; making public charter schools eligible for Safe Schools Funds; providing that Safe Schools Funds shall be distributed first to meet the special education video requirements, then safe school entry way needs, and when met, on the basis of need; providing that any moneys distributed from the Safe Schools Fund for facility

improvements shall only be expended on facilities owned by a county board of education, public charter school or multicounty vocational center, unless the improvements to such facilities may be removed with minimal effort; and, providing that the West Virginia Board of Education shall promulgate rules to govern the process by which county boards of education, public charter schools and multicounty vocational centers may apply for needs-based funding from the Safe Schools Fund”; to the Committee on Education then Finance.

**By Delegates Ellington, Willis, Smith, Clark, Chiarelli, Statler and Hornby:**

**H. B. 2828** - “A Bill to amend and reenact §18A-4-2 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum annual salaries of teachers; providing an increase to all salaries to bring them into parity with salaries offered in surrounding states”; to the Committee on Education then Finance.

**By Delegates Walker, Pushkin, Hansen, Rowe, Hornbuckle and Williams:**

**H. B. 2829** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-60-16, relating to providing a permanent pay raise for emergency medical technicians (‘EMTs’); to the Committee on Fire Departments and Emergency Medical Services then Finance.

**By Delegate Hansen:**

**H. B. 2830** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-22, relating to the Modern Jobs Act, providing for solar energy production on formerly mined land and access to third party co-generation”; to the Committee on Energy and Manufacturing then the Judiciary.

**By Delegate Ellington:**

**H. B. 2831** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §11-21-4g; all relating to the personal income tax, establishing that first \$20,000 of taxable income not subject to personal income tax but

income in excess of that amount be subject to a fixed three percent”; to the Committee on Finance.

**By Delegates Ellington, Clark, Smith, Chiarelli, Longanacre, Hornby and Toney:**

**H. B. 2832** - “A Bill to amend and reenact §18-5-18b of the code of West Virginia, 1931, as amended; and to amend and reenact §18A-1-1 of said code, all relating to public-school counselors, and clarifying the definition and job duties of school counselors”; to the Committee on Education.

**By Delegates Ellington, Clark, Smith, Hornby, Statler, Toney, Tully and Summers:**

**H. B. 2833** - “A Bill to amend and reenact §18C-3-3 of the Code of West Virginia, 1931, as amended, relating to establishing the Behavioral Health Workforce Education Initiative at the Higher Education Policy Commission; directing the Treasurer to place funds into the account; establishing the Behavioral Health Workforce Initiative; setting forth terms of the initiative; and creating definitions”; to the Committee on Education then Finance.

**By Delegates Ellington, Smith, Chiarelli, Willis, Longanacre, Hornby, Statler and Toney:**

**H. B. 2834** - “A Bill to amend and reenact §18-19-2 of the Code of West Virginia, 1931, as amended, relating to the eligibility of an active-duty service member’s child or spouse for tuition-free education through the War Orphan Education Program”; to the Committee on Veterans’ Affairs and Homeland Security then Education.

**By Delegates Rohrbach, Linville, Worrell, Hornbuckle, Crouse, Griffith, Lucas, Skaff and Capito:**

**H. B. 2835** - “A Bill to repeal §18B-1-8b of the Code of West Virginia, 1931, as amended, relating to the repeal of an outdated section of code providing for the merger and consolidation of the West Virginia graduate college”; to the Committee on Education.

**By Delegate Forsht:**

**H. B. 2836** - “A Bill to amend and reenact §3-7-3, §3-7-6 and §3-7-7 of the Code of West Virginia, 1931, as amended, all relating

to contested elections procedure update; making procedures for election contests before a special court applicable to contested elections of certain judges; changing jurisdiction of election contests for county, district, and municipal elections to the circuit courts; requiring a recount proceeding to be completed before filing certain election contests; providing certain procedural requirements for election contests before circuit courts; providing for appeals of a decision made by a circuit court in an election contest be made to the Supreme Court of Appeals, and granting rulemaking authority to the Supreme Court of Appeals regarding election contests before circuit courts”; to the Committee on the Judiciary.

**By Delegates Ross, Keaton, Lucas, Dillon and Crouse:**

**H. B. 2837** - “A Bill amend and reenact §61-5-17 of the Code of West Virginia, 1931, as amended, relating to increasing the criminal penalty for intentionally fleeing or attempting to flee in a vehicle from a law-enforcement officer, probation officer, or parole officer”; to the Committee on the Judiciary.

**By Delegate Dillon:**

**H. B. 2838** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-15B-1, §22-15B-2, §22-15B-3, and §22-15B-4, all relating to the establishment of the Litterbug Act; creating a short title; providing for legislative findings and a purpose; providing for enactment of the article and funding; and providing for a notice requirement”; to the Committee on the Judiciary then Finance.

**By Delegates Anderson, Zatezalo, Heckert, Cooper, Reynolds, Sheedy, Hott, Street and Barnhart:**

**H. B. 2839** - “A Bill to amend and reenact §22-2-10 of the Code of West Virginia, 1931, as amended; and to further amend said code by adding thereto a new section, designated §22-3-39, all relating to declaring the benefits and effects of the extraction of useful substances from the waters of the state; clarifying the applicability of state policy for provisions of the Abandoned Mine Lands and Reclamation Act and of the Surface Coal Mining and Reclamation Act; and correcting the name of a receiving fund for

proceeds received by the Department of Environmental Protection”; to the Committee on Finance.

**By Delegates Clark, Riley, Smith, Ellington, Howell, Espinosa and Kump:**

**H. B. 2840** - “A Bill to amend and reenact §3-1-48 of the Code of West Virginia, 1931, as amended, relating to expenditures of federal appropriations from Congress to the Secretary of State for purposes that further the administration of federal elections held in the state, payable from the County Assistance Voting Equipment Fund”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2841** - “A Bill to amend and reenact §30-1-10 of the Code of West Virginia, 1931, as amended, relating to establishing an Occupational Licensing Legal Fund from existing revenue; creating special revenue fund; providing for transfer of money from excess receipts of occupational licensing boards; specifying authorized uses of fund; providing that expenditures are subject to appropriation by Legislature; requiring transfer of balance excess to General Revenue Fund; and providing for notification to the Legislative Auditor”; to the Committee on the Judiciary then Finance.

**By Delegate Foster:**

**H. B. 2842** - “A Bill to repeal §8-13-4 of the Code of West Virginia, 1931, as amended, relating to municipal licensing and taxes therefor”; to the Committee on Political Subdivisions then Government Organization.

**By Delegate Young:**

**H. B. 2843** - “A Bill to amend and reenact §5-11-3 and §5-11-10 of the Code of West Virginia, 1931, as amended, all relating to the Human Rights Commission; amending the definition of employer and the number of persons employed to qualify as an employer; and extending the period of the statute of limitations to file a complaint for an alleged unlawful discriminatory practice”; to the Committee on Workforce Development then the Judiciary.

**By Delegate Young:**

**H. B. 2844** - “A Bill to amend and reenact §5-11-3 of the Code of West Virginia, 1931, as amended, relating to modifying the definition of ‘employee’ under the Human Rights Commission”; to the Committee on Workforce Development then the Judiciary.

**By Delegates Summers and Tully:**

**H. B. 2845** - “A Bill to repeal §16-29F-1 of the Code of West Virginia, 1931, as amended, relating to repealing expired provisions from the code”; to the Committee on Health and Human Resources.

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

**S. B. 161**, Authorizing DNR to manage and dispose of property; on third reading, coming up in regular order, with amendment pending and the right to amend, was reported by the Clerk.

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

**“ARTICLE 1. ORGANIZATION AND ADMINISTRATION.****§20-1-10. Property Management.**

(a) The division shall maintain at all times an accurate record of all of its lands, interests in lands, buildings, structures, equipment and other tangible properties and assets. The record shall reflect the location, utility, condition and estimated value of all such properties and assets. The division shall provide for the maintenance, preservation and custody of all such properties and assets. ~~and when any item or items thereof become obsolete or are no longer needed, the division shall report thereon to the Public Lands Corporation for disposition thereof~~

(b) Subject to the provisions of §20-1-19 of this code, the division shall have the authority, with the approval in writing of the Secretary of Commerce, to sell, lease, or otherwise dispose of property that is under the jurisdiction and control of the director. The director may convey property in exchange for money, security or property, both real and personal, and any interest in such property, including lands and waters, which he or she deems suitable for the purposes of the division.

~~(b)~~ (c) The director shall select and designate a competent and qualified person as division property officer, who shall be responsible for the division's records relating to its properties and assets and for the maintenance, preservation, custody and disposition of all such properties and assets as herein provided.

~~(e)~~ (d) Subject to valid existing rights, division owned wildlife management area lands shall be open to access and use for recreational hunting and shooting except as limited by the division for reasons of public safety, fish and wildlife management or homeland security or as otherwise limited by law.

~~(d)~~ (e) The division shall exercise its authority consistent with subsection ~~(e)~~(d) to support, promote and enhance recreational hunting and shooting opportunities, to the extent authorized by statute. The division shall give preference to hunting and shooting over other uses of division owned wildlife management area lands.

~~(e)~~ (f) Division land management decisions and actions may not result in a net loss of habitat land acreage available for hunting and shooting opportunities on division owned wildlife management area lands that exists on the effective date of this section.

~~(f)~~ (g) On or before December 1, the division shall submit an annual report to the Governor and to the Joint Committee on Government and Finance, including the following:

(1) The acreage administered by the division that has been closed during the previous year to recreational hunting and the reasons for the closures; and



(2) The acreage administered by the division that, in order to comply with the provisions of subsection ~~(e)~~-(f) was opened to recreational hunting to compensate for that acreage.”

Delegates Kimble and Fast moved to amend the amendment on page 1, section 10(b), line 7, by inserting the words “when any item or items or lands are deemed obsolete or are no longer needed” before the words “the division”.

The question then being on the adoption of the amendment to the amendment, the same was put and adopted.

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

There being no further amendments, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 9**), and there were—yeas 94, nays 5, absent and not voting 1, with the nays and the absent and not voting being as follows:

Yeas: Dean, Dillon, A. Hall, Hanna and Miller.

Absent and Not Voting: Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 161) passed.

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

**S. B. 161** – “A Bill to amend and reenact §20-1-10 of the Code of West Virginia, 1931, as amended, relating to the authority of the Division of Natural Resources to manage and dispose of property; repealing the requirement to report items to the Public Land Corporation; and authorizing the division to dispose of certain property under the jurisdiction and control of the director.”

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

On this question, the yeas and nays were taken (**Roll No. 10**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Dillon.

Absent and Not Voting: Ward.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 161) 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.

**S. B. 162**, Authorizing director of DNR to lease state-owned pore spaces in certain areas for carbon sequestration; on third reading, coming up in regular order, with amendment pending and the right to amend, was reported by the Clerk.

An amendment was recommended by the Committee on the Judiciary, and adopted, on page 1, following the enacting clause, by striking the remainder of the bill in its entirety and inserting in lieu thereof the following:

**“ARTICLE 1. ORGANIZATION AND ADMINISTRATION.**

**§20-1-22. Authorizing the director to lease and develop pore spaces.**

(a) The director may, with the approval in writing of the Secretary of Commerce, lease state-owned pore spaces underlying state forests, natural and scenic areas, wildlife management areas, and other lands under the jurisdiction and control of the director for underground carbon sequestration: *Provided*, That the director is prohibited from leasing state-owned pore spaces underlying lands that are designated as state parks. Before entering into a lease, the director shall receive sealed bids therefor, after notice by publication as a Class I legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code, and the publication area

for such publication shall be each county in which the affected lands are located, and on the Division's main website for a period of at least 14 days prior to entering into any lease pursuant to this section. The pore space development proposal so advertised shall be leased to the highest responsible bidder, who shall give bond for the proper performance of the lease as the director shall designate; but the director may reject any and all bids and re-advertise for bids. The development of pore spaces pursuant to this section shall be consistent with the requirements of §22-11B-1 *et seq.* of this code. The proceeds arising from any such lease shall be paid to the Treasurer of the State of West Virginia and shall be credited to the Division and used exclusively for the purposes of this chapter.

(b) Notwithstanding the competitive bidding process established in subsection (a), the director may, with the approval in writing of the Secretary of the Department of Commerce, directly award a pore space lease when the Secretary of the Department of Commerce and the Secretary of the Department of Economic Development certifies in writing to the director that the lease is a necessary component of an economic development project: *Provided*, That the lease shall afford a market value or greater royalty.”

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 11**), and there were—yeas 87, nays 12, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Brooks, Coop-Gonzalez, Dean, Dillon, A. Hall, Hanna, Hornby, Kirby, McGeehan, C. Pritt, Ridenour and Vance.

Absent and Not Voting: Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 162) passed.

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

On this question, the yeas and nays were taken (**Roll No. 12**), and there were—yeas 92, nays 7, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Coop-Gonzalez, Dillon, Kirby, McGeehan, C. Pritt, Ridenour and Vance.

Absent and Not Voting: Ward.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 162) 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. 2017**, Relating to service of process in child abuse cases; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Summers asked and obtained unanimous consent to amend the bill on third reading, and the rule was suspended to permit the offering and consideration of such.

Delegates Summers moved to amend the bill on page 2, line 24, by striking subdivision (1) in its entirety and inserting a new subdivision (1) to read as follows:

“(1) The petition and notice of the preliminary hearing shall be served by the sheriff’s office, without additional compensation, upon both parents and any other guardian, custodian, or person standing in loco parentis, giving to the persons at least five days’ actual notice. ~~of a preliminary hearing, and at least 10 days’ notice of any other hearing.~~ Any subsequent hearing shall provide at least 10 days notice, and shall be served in accordance with the rules of civil procedure”.

Delegate Steele arose to a point of privilege regarding asking for a computer cable and the Speaker ruled that the point was well taken.

Delegate Steele then moved that the bill be postponed one day.

Unanimous consent was then obtained to postpone the bill one day.

**Com. Sub. for H. B. 2018**, Permitting the managed care case coordinator to attend the multidisciplinary team meeting; 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. 13**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Heckert and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2018) passed.

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

On this question, the yeas and nays were taken (**Roll No. 14**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: 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. 2018) 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. 2029**, Repealing the creation of an all-payor claims database; 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. 15**), and there were—yeas 98, nays none,

absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Pushkin and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2029) passed.

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

On this question, the yeas and nays were taken (**Roll No. 16**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Pushkin 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. 2029) 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. 2506**, Creating a title clearinghouse for non-resident businesses; 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. 17**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Pushkin and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2506) passed.

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

On this question, the yeas and nays were taken (**Roll No. 18**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Pushkin 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. 2506) takes effect from its passage.

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

### **Second Reading**

**Com. Sub. for H. B. 2412**, Declaring November 14 every year, a special Memorial Day in remembrance of the Marshall University airplane crash; on second reading, coming up in regular order, was read a second time.

Unanimous consent having been obtained, the bill was advanced to third reading with the right to amend, and the rule was suspended to permit the consideration of amendments on that reading.

### **First Reading**

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

**Com. Sub. for H. B. 2530**, Relating to the extension of the expiration of temporary registration plates from sixty days to ninety days,

And,

**H. B. 2533**, Relating to a permanent windshield placard to be valid for the duration of the applicant's life.

### **Leaves of Absence**

At the request of Delegate Kelly, and by unanimous consent, leaves of absence for the day was granted Delegate Ward.

### **Miscellaneous Business**

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

**H. B. 2045:** Delegate Heckert;

**H. B. 2139:** Delegate Hillenbrand;

**H. B. 2189:** Delegates Bridges, Crouse, Dean, Dillon, Hardy and Thorne;

**H. B. 2191:** Delegate Pritt;

**H. B. 2194:** Delegate Hillenbrand;

**H. B. 2505:** Delegate Fehrenbacher;

**H. B. 2532:** Delegate Hillenbrand;

**H. B. 2538:** Delegates Burkhammer and Mazzocchi;

**H. B. 2541:** Delegate Hall;

**H. B. 2543:** Delegate Hall;

**H. B. 2544:** Delegate Hall;

**H. B. 2545:** Delegate Hall;

**H. B. 2555:** Delegate Ridenour;

**H. B. 2604:** Delegate Williams;

**H. B. 2609:** Delegate Mallow;

**H. B. 2619:** Delegates Chiarelli, Espinosa and Summers;

**H. B. 2754:** Delegate Espinosa;



**H. B. 2763:** Delegate Heckert;

**H. B. 2788:** Delegate Kump;

**H. B. 2797:** Delegate Espinosa;

**H. B. 2818:** Delegate Kump;

**H. B. 2842:** Delegate Kump;

And,

**H. B. 2826:** Delegate Kump.

At 12:03 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, January 20, 2023.

---

Friday, January 20, 2023

## TENTH DAY

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

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

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

The Clerk proceeded to read the Journal of Thursday, January 19, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

At the request of Delegate Kimble, and by unanimous consent, the House of Delegates proceeded to the Seventh Order of Business for the purpose of introducing a resolution.

### Resolutions Introduced

The following resolution was introduced as follows:

**By Delegates Tully, Adkins, Anderson, Barnhart, Bridges, Brooks, Burkhammer, Butler, Cannon, Capito, Chiarelli, Clark, Cooper, Coop-Gonzalez, Crouse, Dean, Devault, Dillon, Dittman, Espinosa, Fast, Fehrenbacher, Ferrell, Foggin, Forsht, Foster, Gearheart, Griffith, A. Hall, W. Hall, Hanshaw (Mr. Speaker), Hardy, Heckert, Hillenbrand, Hite, Honaker, Hornby, Horst, Hott, Householder, Howell, Jeffries, Jennings, Keaton, Kelly, Kimble, Kirby, Kump, Linville, Longanacre, Lucas, Mallow, Marple, Martin, Maynor, Mazzocchi, McGeehan, Miller, Nestor, Petitto, Phillips, Pinson, C. Pritt, E. Pritt, Pushkin, Reynolds, Ridenour, Riley, Rohrbach, Ross, Rowe, Shamblin, Sheedy, Smith, Statler, Street, Summers, Thorne, Toney, Vance, Warner, Willis, Worrell, Young and Zatezalo:**

**H. R. 5** – “Honoring the life and service of Nicholas County Deputy Sheriff Thomas ‘Tom’ Edward Baker, who gave his life in the line of duty protecting the citizens of Nicholas County, West Virginia.”

At the respective requests of Delegate Kimble, and by unanimous consent, reference of the resolution (H. R. 5) to a committee was dispensed with, and it was taken up for immediate consideration.

The resolution was then read by the Clerk.

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

The yeas and nays having been ordered, they were taken (**Roll No. 19**), 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, Ellington, Gearheart, Honaker, McGeehan, Sheedy, Ward, Westfall and Worrell.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution adopted.

### **Committee Reports**

Delegate Worrell, Chair of the Committee on Workforce Development, submitted the following report, which was received:

Your Committee on Workforce Development has had under consideration:

**H. B. 2005**, Establishing the dual enrollment pilot program to be administered by the Higher Education Policy Commission and the Council for Community and Technical College Education in conjunction with the State Board of Education,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2005) was referred to the Committee on Education.

Delegate Worrell, Chair of the Committee on Workforce Development, submitted the following report, which was received:

Your Committee on Workforce Development has had under consideration:

**H. B. 2515**, Require agencies to develop and maintain an inventory of available services for single parents wanting to obtain degrees, secure training or reenter the workforce,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2515) was referred to the Committee on Government Organization.

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

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

**H. B. 2007**, Prohibiting certain medical practices,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2007) was referred to the Committee on the Judiciary.

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

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

**H. B. 2759**, Relating to updating the health care provider tax,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2759) was referred to the Committee on Finance.

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

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

**H. B. 2757**, Relating to amending eligibility for the West Virginia Invest Program, providing that a not-for-profit hospital based allied health program is eligible for the West Virginia Invest Program,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2757** – “A Bill to amend and reenact §18-2E-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18C-9-3 and §18C-9-4, all relating to expanding institutional eligibility for the West Virginia Invest Grant Program,”

With the recommendation that the committee substitute do pass.

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

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

**H. B. 2756**, Relating to the controlled substance monitoring database; and adding the reporting of medical marijuana to the database,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2756) was referred to the Committee on the Judiciary.

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

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

**H. B. 2754**, Relating to immunizations performed in a pharmacy,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2754** – “A Bill to amend and reenact §30-5-7 and §30-5-12 of the Code of West Virginia, 1931, as amended, relating to immunizations performed in a pharmacy; permitting a pharmacy technician to perform an immunization; updating rulemaking authority; and reducing the age of a recipient,”

With the recommendation that the committee substitute do pass.

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

Your Committee on Energy and Manufacturing has had under consideration:

**H. B. 2644**, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to rules for quarrying and reclamation,

**H. B. 2645**, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the recycling assistance grant program,

And,

**H. B. 2646**, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to Reclamation of Abandoned and Dilapidated Properties Grant Program,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2644, H. B. 2645 and H. B. 2646) were each referred to the Committee on the Judiciary.

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

Your Committee on Energy and Manufacturing has had under consideration:

**H. B. 2647**, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to reclamation of solar and wind electricity generating facilities,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2647) was referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration:

**H. B. 2776**, Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act,

And,

**H. B. 2777**, Updating federal taxable income and other terms in the West Virginia Corporation Net Income Tax Act,

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

### **Messages from the Senate**

A message from the Senate, by

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

**S. B. 74** – “A Bill to amend and reenact §18-3-6 of the Code of West Virginia, 1931, as amended, relating to requiring county boards of education, county superintendents, employees of county boards of education, and the West Virginia Public Employees' Grievance Board to give substantial deference to the State Superintendent's interpretations of school law or State Board of Education rules; and providing exceptions to substantial deference requirement”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 83** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-43-1, §30-43-2, and §30-43-3, all relating to tactical medical professionals; defining terms; authorizing to carry firearms; training and certification requirements; and protecting from civil or criminal liability”; which was referred to the Committee on Government Organization.

### **Bills Introduced**

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



**By Delegates Holstein, Foster, Steele and Forsht:**

**H. B. 2846** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-5-5; and to amend and reenact §3-5-13 and §3-5-13a of said code, all relating to placing of questions on the ballot in primary elections submitted by a political party”; to the Committee on the Judiciary.

**By Delegates Chiarelli, Hanna, Burkhammer, Willis, Brooks, Holstein, Heckert, Longanacre, Hite, Foster and Ross:**

**H. B. 2847** - “A Bill to amend and reenact §60A-4-401 of the Code of West Virginia, 1931, as amended, relating to imposing a life sentence on those convicted of dealing fentanyl”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Riley, Linville, Cannon, Barnhart, Westfall, Clark, Fehrenbacher, W. Hall, Maynor, Adkins and Hite:**

**H. B. 2848** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-9g, related to modifying the requirements for out of state wastewater operators to obtain a license in the state”; to the Committee on Technology and Infrastructure then Health and Human Resources.

**By Delegates Kump, Ridenour, Martin, Foster, Vance, Phillips, Forsht, Brooks and Maynor:**

**H. B. 2849** - “A Bill to repeal §3-5-6 of the Code of West Virginia, 1931, as amended; and to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §3-5A-1, all relating to changing local school board elections from the date of the primary elections to the date of the general elections”; to the Committee on the Judiciary.

**By Delegate Ellington:**

**H. B. 2850** - “A Bill to amend and reenact §18-20-1c of the Code of West Virginia, 1931, as amended, relating to students with exceptional needs; clarifying entitlements for the general education teacher who has students with exceptionalities in their classroom”; to the Committee on Education.

**By Delegate Hansen:**

**H. B. 2851** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16A-17-1, §16A-17-2, §16A-17-3, §16A-17-4, §16A-17-5, §16A-17-6, §16A-17-7, §16A-17-8, and §16A-17-9, all relating to legalizing cannabis production, sales, and adult consumption; providing legislative purpose and findings; defining terms; legalizing the possession of one ounce or less of cannabis and cannabis products by adults; authorizing production, sales, transfer, and transport of cannabis upon passing county referendums; providing procedure for county commissions to authorize county referendum on legislation of production and sales; establishing mechanisms for permitting and licensing production and sales facilities by the Bureau for Public Health and localities; authorizing the Bureau of Public Health to propose legislative rules, establish licensing and administrative penalties relating to the production, sales, transfer and transport cannabis in authorizing counties; authorizing the Department of Revenue to promulgate rules and administer tax collections; authorizing localities to regulate manufacturing and sales locations; authorizing a special excise tax on cannabis; creating a new fund and dedicating proceeds of the fund; authorizing county local sales tax to be collected and used for the benefit of county and municipal governments; providing current laws relating to employment, vehicle operation, underage use or private property use preserved; and that the operation of this article is not intended to alter West Virginia Medical Cannabis Act”; to the Committee on Health and Human Resources then the Judiciary then Finance.

**By Delegate Hansen:**

**H. B. 2852** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-10A-1, §22-10A-2, §22-10A-3, §22-10A-4, §22-10A-5, §22-10A-6, §22-10A-7, §22-10A-8, §22-10A-9, and §22-10A-10, all relating to the creation of the Orphan Oil and Gas Well Prevention Act of 2023; preventing oil and gas wells from being orphaned on surface owner’s land with no responsible driller or operator with the resources to plug the well; the procedures for prevention of orphaned wells; and requiring plugging money set aside as escrow

in the office of the State Treasurer”; to the Committee on Energy and Manufacturing then the Judiciary.

**By Delegates Holstein and Steele:**

**H. B. 2853** - “A Bill to amend and reenact §17C-12-7 of the Code of West Virginia, 1931, as amended, relating to increasing the penalties for passing a school bus and causing injury”; to the Committee on the Judiciary.

**By Delegates Summers, McGeehan, Tully, Petitto, Miller and Forsht:**

**H. B. 2854** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-111d, relating to reimbursement for child-care; requiring federal waiver to pay child-care providers based upon enrollment rather than attendance of the child; requiring development of performance-based contracting standards to reimburse child care providers; setting forth minimum criteria in developing performance-based criteria; and establishing deadlines”; to the Committee on Health and Human Resources.

**By Delegates Hansen, Hornbuckle, E. Pritt, Griffith, Williams, Skaff and Garcia:**

**H. B. 2855** - “A Bill to repeal §3-3-3a of the Code of West Virginia, 1931, as amended; to amend and reenact §3-1-34 and §3-1-41 of said code; to amend and reenact §3-1A-5 of said code; to amend and reenact §3-3-1, §3-3-1a, §3-3-2, §3-3-2a, §3-3-5, §3-3-9, §3-3-10, and §3-3-12 of said code; to amend and reenact §3-6-6, §3-6-7, and §3-6-9 of said code; to amend said code by adding thereto a new section, designated §3-9-14; and to amend and reenact §3-9-19 of said code, all relating to modernization of procedures for voting in public elections; modifying voter identification procedure at the polls; removing authority of election commissioners and poll clerks to dispute voter claims of disability; authorizing all registered voters to vote absentee ballot by mail; simplifying the requirements for an emergency absentee ballot; providing for secure receipt of hand-delivered absentee ballots; providing for stand-alone drop-off locations for deposit of completed absentee ballots; revising terms and procedures for casting an absentee ballot by mail; reforming the procedures and

grounds for challenging an absentee ballot; specifying the form and printed text of envelopes for absentee ballots; establishing a pre-canvass procedure for ballots received in advance of Election Day; authorizing voter cure for potentially deficient absentee ballots; establishing a criminal offense of coercion and intimidation of a voter; defining a criminal offense of unauthorized marking of another person's absentee ballot; providing criminal penalties for violations; and correcting citations and grammar throughout"; to the Committee on the Judiciary.

**By Delegates Holstein, Steele, Keaton, Forsht, Smith and Maynor:**

**H. B. 2856** - "A Bill to amend and reenact §3-5-11 and §3-5-19 of the Code of West Virginia, 1931, as amended, relating to filling vacancies on the ballot for election to a public office; and prohibiting the filling of a vacancy for a candidate to an elected office after the time is closed for announcing as a candidate caused by failure of any person of a party to file for the elected office"; to the Committee on the Judiciary.

**By Delegates Holstein, Foster, Steele, Keaton and Forsht:**

**H. B. 2857** - "A Bill to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended, relating to giving individuals seeking to run for public office a 10-day right to appeal to the Supreme Court of Appeals the decisions of the Secretary of State not to verify the potential candidates' certificates of announcements"; to the Committee on the Judiciary.

**By Delegates Holstein, Barnhart, Foster, Steele, Cannon, Keaton, Forsht and Smith:**

**H. B. 2858** - "A Bill to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended, relating to filing of announcements of candidacies for political office; clarifying that the deadline for filing is based upon the date of receipt by the receiving authority"; to the Committee on the Judiciary.

**By Delegates Holstein, Foster, Steele, Keaton, Forsht, Smith, Maynor and Warner:**

**H. B. 2859** - "A Bill to amend and reenact §3-1-45 of the Code of West Virginia, 1931, as amended, relating to legal standing of

the West Virginia Legislature in court actions related to unauthorized changes to election laws and rules; identifying the Legislature as a necessary party; and clarifying who may seek mandamus relief”; to the Committee on the Judiciary.

**By Delegates Heckert, Foggin, Westfall, Anderson, Brooks, Crouse, Vance, Honaker, Shamblin, Chiarelli and Jennings:**

**H. B. 2860** - “A Bill to amend and reenact §29-3-5g of the Code of West Virginia, 1931, as amended, relating to providing for the safe disposal of used AFFF fire-fighting foam”; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

**By Delegates W. Hall, Westfall, Jeffries, Hott and Barnhart:**

**H. B. 2861** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-24, relating to defining a nominal fee for providing a referral to an insurance company or producer”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Jeffries, Householder, Hardy, Worrell, Hott, Phillips, Riley, W. Hall, Kelly, Kimble and Gearheart:**

**H. B. 2862** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-6-11a; and to amend and reenact §12-6C-13 of said code, all relating generally to requirements for shareholder voting by the West Virginia Investment Management Board and the Board of Treasury Investments; defining terms; setting forth applicability of new requirements; establishing the standard of care for shareholder voting; prohibiting the boards from relying on proxy advisory services unless the service provider agrees to make recommendations according to the standard of care; prohibiting the boards from entrusting direct holdings to any manager unless the manager agrees to cast proxy votes according to the standard of care; requiring a contractual agreement between the boards and their fiduciaries that the boards be provided advance notice and the opportunity to advise fiduciaries with respect to certain shareholder votes; prohibiting the boards’ fiduciaries from casting the

shareholder votes for the purpose of furthering non-pecuniary interests; requiring the boards to exercise any proxy voting choice options for indirect holdings according to the standard of care; and establishing reporting requirements related to shareholder voting”; to the Committee on the Judiciary.

**By Delegate Young:**

**H. B. 2863** - “A Bill to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-8A-5, all relating to creating a homeless education coordinator in counties designated by the state board as an urban county”; to the Committee on Education then Finance.

**By Delegate Westfall:**

**H. B. 2864** - “A Bill to amend and reenact §8-13-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §8-20-10 of said code, all relating to requiring larger municipally owned public water and wastewater systems to meet the same standards for rates as utilities that are regulated under Chapter 24 of the Code, which requires rates to be just, reasonable, applied without unjust discrimination or preference, and based primarily on the cost to provide the utility service”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate Westfall:**

**H. B. 2865** - “A Bill to amend and reenact §24-2H-8 of the Code of West Virginia, 1931, as amended, related to clarifying that the Public Service Commission may enter an order in a distressed or failing utility case requiring corrective measures up to and including an acquisition by an acquiring utility”; to the Committee on Technology and Infrastructure.

**By Delegates Holstein, Foster, Steele, Keaton and Forsht:**

**H. B. 2866** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §3-1C-1, §3-1C-2, §3-1C-3, and §3-1C-4, all relating to providing the procedure for election observers during elections in the state; eligibility and qualifications of observers; and requiring the

Secretary of State to promulgate rules”; to the Committee on the Judiciary.

**By Delegates Steele, Young, Worrell, Foster, Hillenbrand, Shamblin, Kirby, Mazzocchi, Nestor, Brooks and Keaton:**

**H. B. 2867** - “A Bill to amend and reenact §24-2-1 of the Code of West Virginia, 1931, as amended; and by adding thereto a new section designated §24-2-1q, relating to expanding the jurisdiction of the Public Service Commission to include advanced nuclear reactors”; to the Committee on Energy and Manufacturing.

**By Delegate Foster:**

**H. B. 2868** - “A Bill to amend and reenact §8-1-5A of the Code of West Virginia, 1931, as amended, relating to removing the authority of municipalities participating in the Municipal Home Rule Program to impose a municipal sales tax”; to the Committee on Government Organization then Finance.

**By Delegate Young:**

**H. B. 2869** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-1A-12, relating to requiring a warrant for the disclosure of certain third-party information”; to the Committee on the Judiciary.

**By Delegate Westfall:**

**H. B. 2870** - “A Bill to amend and reenact §24-2-11c of the Code of West Virginia, 1931, as amended, relating generally to siting certificates for certain electric generating facilities; correcting a statutory reference”; to the Committee on Energy and Manufacturing.

**By Delegates Kelly, Hott, Honaker, Shamblin, Westfall, Jeffries, Phillips, Reynolds and Sheedy:**

**H. B. 2871** - “A Bill to amend and reenact §15A-10-25 of the Code of West Virginia, 1931, as amended, relating to awarding the service weapon of a retiring State Fire Marshal, any full-time deputy fire marshal or any full-time assistant fire marshal employed by the State Fire Marshal to the retiree without charge when the retiring member honorably retires with at least 10 years of service or with less than 10 years of service based upon

determination that the retiring employee is totally physically disabled as a result of service with the State Fire Marshal; prohibiting the award of a service weapon to a retiring employee whom the State Fire Marshal knows is prohibited from possessing a firearm, is mentally incapacitated, or a danger to any person or the community; authorizing the sale of service weapons that are taken out of service due to routine wear to any active or retired State Fire Marshal; providing that proceeds from the sales be used to offset the cost of new service weapons; and exempting the sale from the requirements of the Purchasing Division”; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

**By Delegates Kelly, Hott, Worrell, Kimble, Jeffries, Honaker, Shamblin and Phillips:**

**H. B. 2872** - “A Bill to amend and reenact §15-5-9 of the Code of West Virginia, 1931, as amended, relating to clarifying in instances of non-federally declared emergencies and in instances of non-states of emergency that mutual aid agreements can be entered into for reciprocal aid in bordering counties of other states for day-to-day support for fire and emergency medical service calls without the need for approval by the Governor”; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

**By Delegates Kelly, Hott, Honaker, Shamblin, Westfall, Jeffries, Phillips, Reynolds and Sheedy:**

**H. B. 2873** - “A Bill to amend and reenact §29-32-2 of the Code of West Virginia, 1931, as amended, relating to modifying the approval process requirements for the First Responders Honor Board to allow for submission of nominations for consideration by the Legislature at other times and/or during other sessions of the Legislature, not just before the first day of the regular legislative session”; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

**By Delegates Kelly, Hott, Honaker, Shamblin, Westfall, Jeffries, Phillips, Reynolds and Sheedy:**

**H. B. 2874** - “A Bill to amend and reenact §60A-4-401 of the Code of West Virginia, 1931, as amended, relating to increasing



minimum criminal penalties for certain controlled substance offenses.”; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

**By Delegates Kirby, Steele, C. Pritt, Summers, Foster and Fast:**

**H. B. 2875** - “A Bill to amend and reenact §49-4-114 of the Code of West Virginia, 1931, as amended, relating to giving circuit court judges the authority to waive the requirement that a party pass a home study performed by DHHR or a third-party evaluator before a child can be placed in the home”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

**By Delegate Young:**

**H. B. 2876** - “A Bill to amend and reenact §3-6-9 of the Code of West Virginia, 1931, as amended, relating to requiring that the boards of canvassers transmit electronically to the Secretary of State, on a form prescribed by the Secretary of State, the total ballots cast, counted, and rejected”; to the Committee on the Judiciary.

**By Delegate Young:**

**H. B. 2877** - “A Bill to amend and reenact §5-11-3 and §5-11-10 of the Code of West Virginia, 1931, as amended, all relating to actions for discriminatory practices before the human rights commission; providing that certain employers with two or more employees are subject to the article; including an individual who provides work for an employer under the terms of an independent contract with the employer in the definition of ‘employee’; and increasing the time period in which to bring an action before the human rights commission to three years after the alleged act of discrimination”; to the Committee on Workforce Development then the Judiciary.

**By Delegates Howell, Linville, Cannon and Clark:**

**H. B. 2878** - “A Bill to amend and reenact §5A-12-3, §5A-12-6, and §5A-12-9 of the Code of West Virginia, 1931, as amended, relating to granting the Fleet Management Division oversight authority of the state vehicle fleet; providing an exclusion for law enforcement vehicles should such oversight conflict with any law

enforcement activities; to delineate telematics as a required service for state spending units; removing the requirement to complete vehicle logs in telematics connected vehicles; removing exemptions from the Fleet Management Division; and only permitting exemptions from telematics for law enforcement”; to the Committee on Technology and Infrastructure then Government Organization.

**By Delegates Nestor, Hanna, Martin, Barnhart, Kump, Storch, Honaker, Vance, Crouse, Reynolds and Ridenour:**

**H. B. 2879** - “A Bill amend and reenact §5-5-4b of the Code of West Virginia, 1931, as amended, relating to providing a pay raise and sign-on bonus to correctional personnel in West Virginia to retain current workers and attract new workers to this field”; to the Committee on Jails and Prisons then Finance.

**By Delegates E. Pritt and Griffith:**

**H. B. 2880** - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, and to amend and reenact §17A-10-8 of said code; and to amend and reenact §17B-2-1 of said code; and to amend and reenact and §17C-16-6 of said code; all relating to removing the fees for license plates; vehicle registration; operator's licenses; and inspection fees for volunteer fire fighters”; to the Committee on Fire Departments and Emergency Medical Services then Finance.

**By Delegate E. Pritt:**

**H. B. 2881** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §24-2I-1, relating to requiring all public and private utility systems that are granted rate increases to set aside 5% of these funds for repairs and improvements to the physical utility infrastructure; establishing limitations on the use of these funds; prohibiting passing this cost on to the consumers”; to the Committee on Technology and Infrastructure then Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff  
[By Request of the Executive]:**

**H. B. 2882** - “A Bill making a supplementary appropriation by adding a new item of appropriation and increasing the expenditure

of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Economic Development, Office of the Secretary, fund 0256, fiscal year 2023, organization 0307, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2022, known as the budget bill for the fiscal year ending June 30, 2023”; to the Committee on Finance.

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

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

**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”; to the Committee on Finance.

**By Delegates Dillon, Pinson, Chiarelli and Ross:**

**H. B. 2884** - “A Bill to amend and reenact §60A-4-401 of the Code of West Virginia, 1931, as amended, relating to increasing minimum criminal penalties for certain controlled substance offenses”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Dillon, Ross, Chiarelli, Burkhammer, Pinson and Thorne:**

**H. B. 2885** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2S-1, §16-2S-2, §16-2S-3, and §16-2S-4, all relating to the creation of the Life at Conception Act of 2023; providing for the right to life to be guaranteed to all human beings; creating a short title; establishing the right to life; providing for definitions, and providing for certain additional provisions”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Sheedy, Reynolds, Willis and Longanacre:**

**H. B. 2886** - “A Bill amend and reenact §17C-16-4 and §17C-16-9 of the Code of West Virginia, 1931, as amended, relating to elimination of the requirement of annual inspections of motor vehicles; providing for continuing requirement of inspections of motor vehicles with certain alterations or modifications; and eliminating criminal penalties for operating motor vehicle no longer subject to annual inspection without a certificate or for failure to produce certificate”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Sheedy, Crouse, Willis and Longanacre:**

**H. B. 2887** - “A Bill to repeal §17C-15-44 of the Code of West Virginia, 1931, as amended, relating to safety equipment and requirements for motorcyclists”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Sheedy, Reynolds, Willis and Longanacre:**

**H. B. 2888** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-63, relating to the elimination of statewide contracts that are awarded to out of state vendors by all state agencies and the West Virginia Division of Highways; providing for limited exceptions; and providing for an effective date”; to the Committee on Government Organization.

**By Delegates Honaker, Ferrell, Longanacre, Hott, Pinson, Nestor, Brooks, Kelly, Barnhart, Foster and Maynor:**

**H. B. 2889** - “A Bill to amend and reenact §7-14D-2 of the Code of West Virginia, 1931, as amended, relating to increasing the retirement benefit multiplier of the Deputy Sheriff Retirement System Act from two and one-half percent to three percent of the member’s final average salary multiplied by the member’s years of credited service”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Gearheart, Ellington, Westfall, Storch, Bridges, Foster, Butler, Householder, Cooper, Dean and Heckert:**

**H. B. 2890** - “A Bill to amend and reenact §18A-5-1 of the Code of West Virginia, 1931, as amended, relating to authority of teachers and other school personnel for discipline of students; teacher's responsibility to make a report after sending a student to the principal's office for disorderly conduct; removal of student from classroom when disruptive; and requiring each county school board to implement a tier system policy, with teacher input, to provide a framework for student behaviors and punishments”; to the Committee on Education.

**By Delegate Foster:**

**H. B. 2891** - “A Bill to repeal §8-13-10 of the Code of West Virginia, 1931, as amended, relating to eliminating the domestic animal tax”; to the Committee on Finance.

**By Delegate Young:**

**H. B. 2892** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §24-9-1, relating to prohibiting public utilities from terminating or disconnecting services during a state disaster emergency declared by executive order; creating duty to restore service; requiring public utility to enter into deferred payment agreement with residential customer during state of emergency; prohibiting public utility from disconnecting service for 180 days providing notice to residential customer; and establishing right of public utilities to recover funds owed in normal course following the state of emergency”; to the Committee on Government Organization then the Judiciary.

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

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

**H. B. 2893** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §5-10-22m and §5-10-22n; and to amend said code by adding thereto two new sections, designated §18-7A-26x and §18-7A-26y; all relating to establishing a one-time bonus payment for certain retirants who are 70 years of age or older as of July 1, 2023, who

have 20 or more years of credited service, and who receive a monthly retirement benefit of less than \$1,000; and establishing a minimum monthly retirement benefit for certain retirants who are 70 years of age or older as of July 1, 2023, and who have 25 or more years of total service”; to the Committee on Pensions and Retirement then Finance.

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

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

**H. B. 2894** - “A Bill to amend the code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, §11-13MM-3, §11-13MM-4, §11-13MM-5, and §11-13MM-6; all relating to authorizing a refundable tax credit, applied against personal income tax or corporation net income tax, as applicable, in the amount of property tax timely paid on Class A, Class B, Class G, Class H, Class T, Class V, and Class X motor vehicles, all-terrain vehicles and utility terrain vehicles during the income tax taxable year; designating a short title; providing definitions; providing for the application of tax credit; specifying refundable tax credit; specifying retroactive effect; providing for the treatment of credit upon transfer of eligible motor vehicle; and providing for an effective date”; to the Committee on Finance.

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

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

**H. B. 2895** - “A Bill to amend and reenact §15A-3-7 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Corrections and Rehabilitation to grant a cost of living stipend to correctional officers employed by the Division of Corrections and Rehabilitation; providing that the cost of living stipend may be granted in an amount up to \$10,000 per year at the discretion of the Commissioner; providing that the cost of living stipend shall not be counted toward retirement, separation from employment, or other such benefits under West Virginia law, rule, or regulation; and providing the Commissioner shall notify the Governor and the Legislature of the facility and location where a stipend is granted, the amount of the stipend, and the number of

employees to receive the stipend within 30 days of his or her decision”; to the Committee on Jails and Prisons then Finance.

**By Delegates Anderson, Zatezalo, Hanshaw (Mr. Speaker), Smith, Riley, Foster, Steele, Tully, Young, Summers and Hott:**

**H. B. 2896** - “A Bill to repeal §16-27-1, §16-27-2, §16-27-3, and §16-27-4 of the Code of West Virginia, 1931, as amended; to repeal §16-34-1, §16-34-2, §16-34-3, §16-34-4, §16-34-5, §16-34-6, §16-34-7, §16-34-8, §16-34-9, §16-34-10, §16-34-11, §16-34-12, §16-34-13, and §16-34-14 of said code; to amend and reenact §18-9E-3 of said code; to amend said code by adding thereto a new section, designated §22-34-1, §22-34-2, §22-34-3, §22-34-4, §22-34-5, §22-34-6, §22-34-7, §22-34-8, §22-34-9, §22-34-10, §22-34-11, §22-34-12, §22-34-13, §22-34-14, §22-34-15, §22-34-16, §22-34-17, §22-34-18, §22-34-19, §22-34-20, and §22-34-21; to amend said code by adding thereto a new section, designated §22-35-1, §22-35-2, §22-35-3, §22-35-4, §22-35-5, §22-35-6, §22-35-7, §22-35-8, §22-35-9, §22-35-10, §22-35-11, §22-35-12, §22-35-13 and §22-35-14; and to amend and reenact §29-1H-3 and §29-1H-5 of said code, all relating to the creation of the Radiation Control Act; providing for declaration of policy and purpose; providing for certain definitions; providing for an exemption; providing for the creation of a Radiation Advisory Board and the composition, compensation, and duties associated with the Board; providing that the Department of Environmental Protection shall be designated as the State Radiation Control Agency; providing for Radon education, screening, testing, and mitigation; providing for inspections of X-ray machines, and providing for reports, fees, and qualifications of such inspectors; defining the costs of inspection conducted by the Department of Environmental Protection and the fees to be used to support the program; clarifying the licensing of radioactive material; providing for surety requirements; creating the Radiation Site Closure and Reclamation Fund; creating the Radiation Licensure and Inspection Fund; allowing for impounding sources of ionizing radiation; providing authority for the Governor to enter into agreements with the federal government; defining the authority of the Department to enter into agreements with the federal government, other states or interstate agencies, and

providing training programs for personnel; defining the effect on local ordinances; providing for administrative procedure and judicial review; creating an enforcement section with civil penalties; defining criminal and civil penalties; providing for the licensure of radon mitigators, testers, contractors and laboratories; providing for legislative findings and definitions; requiring a license and providing for exemptions; providing for special licensure requirements; creating powers and duties of the secretary; defining rules; providing for a complain mechanism; creating a licensed tester, mitigator and contractor list; providing for record keeping and confidentiality; creating a special revenue account; providing for reciprocity; creating a records review; providing for reprimands; suspension or revocation of a license with a process for orders and hearings; defining criminal penalties; and providing that the Secretary of the Department of Environmental Protection shall have authority over the Appalachian States Low-Level Radioactive Waste Compact”; to the Committee on Energy and Manufacturing then the Judiciary then Finance.

**By Delegate Young:**

**H. B. 2897** - “A Bill to amend and reenact §3-3-1 and §3-3-2 of the Code of West Virginia, 1931, as amended, all relating to absentee voting, by removing specifications for permission to vote by absentee ballot and allowing all voters to request and vote by absentee ballot”; to the Committee on the Judiciary.

**Special Calendar**

**Third Reading**

**H. B. 2017**, Relating to service of process in child abuse cases; on third reading, coming up in regular order, was reported by the Clerk.

On motion of Delegate Kimble, the bill was committed to the Committee on the Judiciary.

**Com. Sub. for H. B. 2412**, Declaring November 14 every year, a special Memorial Day in remembrance of the Marshall University airplane crash; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.



On motion of Delegate Hornbuckle, the bill was amended on page 2, section 1a, line 35, by striking out the words “Airplane Crash” and inserting in lieu thereof, the words “75 Memorial”.

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 20**), 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: Ellington, Gearheart, Honaker, McGeehan, Sheedy, Ward, Westfall and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2412) passed.

Delegates Gearheart, Sheedy and Worrell, who were absent on Roll No. 20, noted to the Clerk that they would have voted “Yea” thereon.

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

### Second Reading

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

**Com. Sub. for H. B. 2530**, Relating to the extension of the expiration of temporary registration plates from sixty days to ninety days.

And,

**H. B. 2533**, Relating to a permanent windshield placard to be valid for the duration of the applicant’s life.

### **First Reading**

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

**S. B. 128**, Clarifying authority of Governor and Legislature to proclaim and declare state of emergency and preparedness,

**H. B. 2310**, Provide the Division of Motor Vehicles authority to develop an “Antique Fleet” program so that multiple antique motor vehicles may utilize a single registration plate,

**H. B. 2564**, Repeal of administrative hearing procedures for DUI offenses,

And,

**H. B. 2602**, Reestablishing certain specialized school service personnel classifications.

### **Leaves of Absence**

At the request of Delegate Kimble, and by unanimous consent, leaves of absence for the day were granted Delegates Ellington, Gearheart, Honaker, McGeehan, Sheedy, Ward, Westfall and Worrell.

### **Miscellaneous Business**

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

**H. B. 2038**: Delegates Burkhammer, Horst, Kirby, Martin and C. Phillips;

**H. B. 2062**: Delegate Barnhart;

**H. B. 2189**: Delegates Householder and Ridenour;

**H. B. 2191**: Delegate Brooks;

**H. B. 2198**: Delegate Tully;

**H. B. 2308:** Delegate Martin;

**H. B. 2390:** Delegates Horst, Kirby, McGeehan, C. Phillips and Ridenour;

**H. B. 2440:** Delegates Horst, Kirby, C. Phillips and Ridenour;

**H. B. 2497:** Delegates Burkhammer, Horst, Kirby, McGeehan and C. Phillips;

**H. B. 2498:** Delegates Kirby, Horst and C. Phillips;

**H. B. 2499:** Delegates Burkhammer, Horst, Kirby, C. Phillips, Pinson and Ridenour;

**H. B. 2500:** Delegates Horst, Kirby, McGeehan and C. Phillips;

**H. B. 2501:** Delegates Burkhammer, Horst, Kirby, C. Phillips and Pinson;

**H. B. 2502:** Delegates Horst, Kirby and C. Phillips;

**H. B. 2537:** Delegate E. Pritt;

**H. B. 2611:** Delegates Hott and Westfall;

**H. B. 2770:** Delegate Brooks;

**H. B. 2756:** Delegate Rohrbach;

**H. B. 2759:** Delegate Reynolds;

**H. B. 2770:** Delegate Brooks;

**H. B. 2779:** Delegate Brooks;

**H. B. 2794:** Delegate Brooks;

And,

**H. B. 2854:** Delegate Clark.

At the request of Delegate Linville, and by unanimous consent, the names of the 75 individuals who died in the Marshall University airplane crash, which were read by Delegate Hornbuckle, were ordered printed in the Appendix to the Journal.

At 11:46 a.m., the House of Delegates adjourned until 11:00 a.m., Monday, January 23, 2023.

---

Monday, January 23, 2023

**THIRTEENTH 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 Friday, January 20, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2113**, Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse,

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

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2531**, Requiring cooperation between the rail company and the Division of Highways when construction or maintenance activities are conducted by the company,

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

In the absence of objection, reference of the bill (H. B. 2531) to the Committee on the Judiciary was abrogated.

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2171**, Removing obsolete provisions regarding DOH standards for studded tires and chains,

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference to the Committee on Government Organization be dispensed with.

In the absence of objection, reference of the bill (H. B. 2171) to the Committee on Government Organization was abrogated.

### **Messages from the Senate**

A message from the Senate, by

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

**S. B. 115** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §3-11A-1, §3-11A-2, §3-11A-3, §3-11A-4, and §3-11A-5, all relating to providing procedure for West Virginia to select delegates to an Article V convention for proposing amendments to the Constitution of the United States of America; defining terms; directing Legislature to establish committee of correspondence for Article V convention; authorizing participation by delegates in Article V convention only when each state has equal vote; setting forth delegate duties and responsibilities; setting forth oath for candidate for delegate or alternate; designating delegates and

alternates as public officials and subject to West Virginia Governmental Ethics Act; providing for immediate recall of any delegate casting unauthorized vote and replacement with alternate; directing Legislature to certify certain information to Article V convention; making violation of a delegate's oath a felony; and providing criminal penalties for violation of a delegate's oath"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 124** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7g, relating to requiring the West Virginia Board of Education to establish a program in dating violence prevention and sexual violence prevention that includes instruction in grades seven through 12; providing for the provision by the state board of links on its website to free curricula that covers the required instruction; providing in-service training for certain professional school personnel in the prevention dating violence and sexual violence; and providing for the promotion of positive youth development"; which was referred to the Committee on Education.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendments of the House of Delegates and the passage, as amended, to take effect from passage, of

**S. B. 161**, Authorizing DNR to manage and dispose of property.

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, to take effect from passage, of

**S. B. 162**, Authorizing director of DNR to lease state-owned pore spaces in certain areas for carbon sequestration.

### **Resolutions Introduced**

The following resolutions were introduced and severally referred as follows:

**By Delegates Foster, Brooks, Ridenour, Crouse, Steele, Longanacre, Phillips, Maynor, Hanshaw (Mr. Speaker) and Dean:**

**H. R. 6** - “Relating to empowering the House Committee on the Judiciary to investigate allegations of impeachable offenses against Louise E. Goldston, Judge of the Family Court of the

3<sup>rd</sup> Circuit; to the Committee on the Judiciary then Rules.

**By Delegate Walker:**

**H. C. R. 8** - “Requesting a study of the public charter school student population in West Virginia”; to the Committee on Education then Rules.

### **Bills Introduced**

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

**By Delegates Hanshaw (Mr. Speaker) and Skaff  
[By Request of the Executive]:**

**H. B. 2898** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-6B-4a, relating to banning high-risk technologies on government systems; adding legislative findings related to national security threats posed by untrustworthy or high-risk platforms and programs; and requiring certain government entities to adopt statewide standards that ban the use of high-risk platforms and products on government systems”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate Westfall:**

**H. B. 2899** - “A Bill to repeal §24-2B-1 and 24-2B-2 of the Code of West Virginia, 1931, as amended, relating to gas utility rates that were set for a period of for 12 months during 1983”; to the Committee on Technology and Infrastructure.



**By Delegates Hanshaw (Mr. Speaker), Hott, Phillips, Heckert, Riley and Rohrbach:**

**H. B. 2900** - “A Bill to amend and reenact §7-14D-24a of the Code of West Virginia, 1931, as amended, relating to the Deputy Sheriff Retirement System; allowing certain retired members to be re-employed without the suspension of annuity benefits; and setting forth conditions for the re-employment of retired members”; to the Committee on Pensions and Retirement then Finance.

**By Delegate C. Pritt:**

**H. B. 2901** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-44, relating to prohibiting West Virginia from joining or participating in the National School Boards Association (‘NSBA’); to the Committee on Education.

**By Delegates Hanshaw (Mr. Speaker) and Skaff  
[By Request of the Executive]:**

**H. B. 2902** - “A Bill making a supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Veterans’ Assistance, fund 0456, fiscal year 2023, organization 0613, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

**By Delegate C. Pritt:**

**H. B. 2903** - “A Bill to amend and reenact §10-1-6 of the Code of West Virginia, 1931, as amended, relating to ensuring that library boards who make decisions on books must have ideological equality”; to the Committee on Education.

**By Delegates Hanshaw (Mr. Speaker) and Skaff  
[By Request of the Executive]:**

**H. B. 2904** - “A Bill supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2022, known as the budget bill, in Title II from the appropriations of public moneys out of the Treasury from the balance remaining as an unappropriated

surplus balance in the State Fund, General Revenue, to the Department of Commerce, Office of the Secretary, fund 0606, fiscal year 2023, organization 0327, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023, by adding a new item of appropriation”; to the Committee on Finance.

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

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

**H. B. 2905** - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the State Board of Education – State Department of Education, fund 0313, fiscal year 2023, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

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

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

**H. B. 2906** - “A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2023 in the amount of \$21,550,000 from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits”; to the Committee on Finance.

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

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

**H. B. 2907** - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Division of General Services, fund 0230, fiscal year 2023, organization 0211, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff****[By Request of the Executive]:**

**H. B. 2908** - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, Division of Forestry, fund 0250, fiscal year 2023, organization 0305, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff****[By Request of the Executive]:**

**H. B. 2909** - “A Bill supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2022, known as the budget bill, in Title II from the appropriations of public moneys out of the Treasury from the balance remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Revenue, State Budget Office, fund 0595, fiscal year 2023, organization 0703, by supplementing and amending appropriations for the fiscal year ending June 30, 2023, by adding a new item of appropriation”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff****[By Request of the Executive]:**

**H. B. 2910** - “A Bill making a supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Public Defender Services, fund 0226, fiscal year 2023, organization 0221, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff****[By Request of the Executive]:**

**H. B. 2911** - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of

Homeland Security, Division of Administrative Services, fund 0546, fiscal year 2023, organization 0623, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

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

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

**H. B. 2912** - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the State Board of Education – State Department of Education, fund 0313, fiscal year 2023, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

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

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

**H. B. 2913** - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2023, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

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

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

**H. B. 2914** - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Governor’s Office – Civil Contingent Fund, fund 0105, fiscal year 2023, organization 0100 by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff  
[By Request of the Executive]:**

**H. B. 2915** - “A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2023, in the amount of \$30,500,000 from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund”; to the Committee on Finance.

**By Delegates Ridenour, Longanacre, Steele, Butler, Hillenbrand, Honaker, Smith, Sheedy, Cooper, Mazzocchi and Warner:**

**H. B. 2916** - “A Bill to amend and reenact §61-6-24 of the Code of West Virginia, 1931, as amended, relating to modifying the definitions of terrorism, terrorist acts, terrorist use of weapons of mass destruction, terrorist violent mass action, terroristic vandalism, terrorist ‘swatting,’ and material support to terrorism; to prohibit barring persons from exercising freedom of movement; eliminating liability for escape by victims from terrorism; prohibiting entry of terrorists into the state of West Virginia; and to direct the general identification of terrorist groups”; to the Committee on Veterans' Affairs and Homeland Security then the Judiciary.

**By Delegates Summers and Tully:**

**H. B. 2917** - “A Bill to amend and reenact §5-10-48 of the code of West Virginia, 1931, as amended, 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”; to the Committee on Health and Human Resources then Finance.

**By Delegate Westfall:**

**H. B. 2918** - “A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to the removal of animals left unattended in motor vehicles; defining terms, setting forth conditions to rescue and retrieve an animal in danger in an unattended vehicle; providing for written notice to the owner of the motor vehicle; providing for payment of fees and costs associated with the maintenance, care and medical treatment of an animal; limiting search of a motor vehicle during rescue; providing for

seizure of items found in certain circumstances; providing for civil and criminal immunity to persons, their employees or agents who retrieve an animal; providing that subsequent animal mistreatment offenses are also a felony; defines ‘serious bodily injury’ as it pertains to the felony offense of animal cruelty; excluding producers of farm livestock and poultry when transporting animals for agricultural activities; and providing for criminal penalties”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Chiarelli, Dillon, Keaton, Pinson, Jeffries and W. Hall:**

**H. B. 2919** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-8G-1, §61-8G-2, §61-8G-3, §61-8G-4, §61-8G-5, and §61-8G-6, all relating to creating the Sexually Oriented Businesses Regulation Act to prohibit adult video stores and adult arcades; providing for legislative findings; providing for definitions; prohibiting adult video stores and adult arcades from physical operation within the state; providing for preemption; and providing for violations”; to the Committee on the Judiciary.

**By Delegates Chiarelli, Heckert, Longanacre, Foster, Coop-Gonzalez, Adkins, Ridenour, Jeffries and W. Hall:**

**H. B. 2920** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-64-11, relating to prohibiting harm reduction programs in West Virginia from distributing any smoking devices as part of the program”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegate C. Pritt:**

**H. B. 2921** - “A Bill to amend and reenact §29-1-3 of the Code of West Virginia, 1931, as amended, relating to establishing a memorial at the Capitol for the unborn whose lives were lost”; to the Committee on Government Organization.

**By Delegates Chiarelli, Shamblin, Ross, Dillon and Lucas:**

**H. B. 2922** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-9A-

11, relating to limiting the number of vape stores and head shops in West Virginia to one for every 15,000 residents per county”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Chiarelli, Hanna, C. Pritt and Pinson:**

**H. B. 2923** - “A Bill to amend and reenact §61-8A-3 of the Code of West Virginia, 1931, as amended, relating to clarifying exemptions from criminal liability for obscene material”; to the Committee on the Judiciary.

**By Delegates Chiarelli and Heckert:**

**H. B. 2924** - “A Bill to repeal §16-15Y-12 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-15Y-14, all relating to removing the moratorium on medication-assisted facilities, and providing a cap on the number of medication-assisted facilities in West Virginia”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegate C. Pritt:**

**H. B. 2925** - “A Bill to amend and reenact §49-2-602 of the Code of West Virginia, 1931, as amended, relating to prohibiting a COVID-19 vaccination requirement for individuals who provide respite care”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate C. Pritt:**

**H. B. 2926** - “A Bill to amend and reenact §48-9-102a, §48-9-206 and §48-9-209 of the Code of West Virginia, relating to the presumption of 50-50 parental custody of children in child custody court proceedings; deviation from the presumption of 50-50 custody upon clear and convincing evidence that the father encouraged the mother to get an abortion”; to the Committee on the Judiciary.

**By Delegates Hanshaw (Mr. Speaker) and Skaff  
[By Request of the Executive]:**

**H. B. 2927** - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the

balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Homeland Security, Division of Corrections and Rehabilitation – Correctional Units, fund 0450, fiscal year 2023, organization 0608, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff  
[By Request of the Executive]:**

**H. B. 2928** - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2023, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

**By Delegate C. Pritt:**

**H. B. 2929** - “A Bill to amend and reenact §17F-1-3 of the Code of West Virginia, 1931, as amended, relating to regulation of all terrain vehicles and removing the authority of the governing body of a municipal or county commission to prohibit the operation of all-terrain vehicles on streets in municipalities or county roads”; to the Committee on Political Subdivisions then Technology and Infrastructure.

**By Delegate C. Pritt:**

**H. B. 2930** - “A Bill to amend and reenact §48-5-102 of the Code of West Virginia, 1931, as amended, relating to domestic relations and divorce; and providing that West Virginia has no jurisdiction over an action for divorce filed in another state”; to the Committee on the Judiciary.

**By Delegate C. Pritt:**

**H. B. 2931** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-1-52, relating to creating a punishment for any delegate at a convention of states who deviates from his or her authority; providing for



recall; providing for a monetary punishment; and providing for a criminal sentence”; to the Committee on the Judiciary.

**By Delegate C. Pritt:**

**H. B. 2932** - “A Bill to amend and reenact §18-5-48 of the Code of West Virginia, 1931, as amended, relating to allowing county boards of education to employ armed veterans for the purpose of protecting West Virginia schools”; to the Committee on Education then the Judiciary.

**By Delegate Reynolds:**

**H. B. 2933** - “A Bill to amend and reenact §21-1B-5 of the Code of West Virginia, 1931, as amended, relating to an increase in fines and criminal penalties when an employer fails to maintain employment records of an unauthorized employee, knowingly hires, employs, recruits, or refers an unauthorized employee, also relating to enhancing the criminal penalties and fines for repeat convictions, also relating to increasing the criminal penalties and fines for any employer who knowingly and willfully provides false records as to the legal status or authorization to work of any employee to the commissioner and for any employer who knowingly and willfully and with fraudulent intent sells, transfers or otherwise disposes of substantially all of the employer(s) assets for the purpose of evading the record-keeping requirements, also creating a new subdivision that creates criminal penalties and a fine for any employer who knowingly, and willfully fails to send, by certified mail, a written notice to the commissioner that an unauthorized employee has been in the employ of the employer but said employment relationship has been immediately terminated upon the employer receiving information that an unauthorized employee is in their employ”; to the Committee on Workforce Development then the Judiciary.

## **Special Calendar**

### **Third Reading**

**Com. Sub. for H. B. 2530**, Relating to the extension of the expiration of temporary registration plates from sixty days to

ninety days; 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. 21**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Anderson and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2530) passed.

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

**H. B. 2533**, Relating to a permanent windshield placard to be valid for the duration of the applicant's life; 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. 22**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Anderson and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2533) passed.

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

### Second Reading

**S. B. 128**, Clarifying authority of Governor and Legislature to proclaim and declare state of emergency and preparedness; 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 amendments pending and the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

**H. B. 2310**, Provide the Division of Motor Vehicles authority to develop an “Antique Fleet” program so that multiple antique motor vehicles may utilize a single registration plate; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2564**, Repeal of administrative hearing procedures for DUI offenses; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2602**, Reestablishing certain specialized school service personnel classifications; 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 H. B. 2754**, Relating to immunizations performed in a pharmacy,

**Com. Sub. for H. B. 2757**, Relating to amending eligibility for the West Virginia Invest program, providing that a not-for-profit hospital based allied health program is eligible for the West Virginia Invest Program,

**H. B. 2776**, Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act,

And,

**H. B. 2777**, Updating federal taxable income and other terms in the West Virginia Corporation Net Income Tax Act.

### **Leaves of Absence**

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

Delegate Anderson was in attendance before the floor session adjourned.

### **Miscellaneous Business**

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

**H. B. 2038**: Delegates Mazzocchi and C. Pritt;

**H. B. 2046**: Delegate Ridenour;

**H. B. 2276**: Delegate E. Pritt;

**H. B. 2367**: Delegate Ridenour;

**H. B. 2390**: Delegates Mazzocchi and C. Pritt;

**H. B. 2440**: Delegate C. Pritt;

**H. B. 2497**: Delegates Mazzocchi and C. Pritt;

**H. B. 2498**: Delegate C. Pritt;

**H. B. 2499**: Delegates Mazzocchi and C. Pritt;

**H. B. 2500**: Delegate C. Pritt;

**H. B. 2501**: Delegates Mazzocchi and C. Pritt;

**H. B. 2502**: Delegate C. Pritt;

**H. B. 2821**: Delegate Riley;

**H. B. 2834**: Delegate Hillenbrand;

**H. B. 2836:** Delegate Hillenbrand;

**H. B. 2853:** Delegate Hillenbrand;

And,

**H. B. 2854:** Delegate Young.

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

**H. B. 2600:** Delegate Westfall;

**H. B. 2783:** Delegate Kirby;

**H. B. 2786:** Delegate Pinson;

And,

**H. B. 2885:** Delegate Pinson.

At 11:27 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, January 24, 2023.

---

Tuesday, January 24, 2023

## FOURTEENTH DAY

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

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

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

The Clerk proceeded to read the Journal of Monday, January 23, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

### Committee Reports

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

Your Committee on Education has had under consideration:

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 2346) was referred to the Committee on Finance.

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

Your Committee on Education has had under consideration:

**H. B. 2597**, Amending performance evaluations of professional personnel,

And,

**H. B. 2800**, All relating to authorizing legislative rules regarding higher education,

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

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

Your Committee on Education has had under consideration:

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

And,

**H. B. 2833**, Establishing the behavioral health workforce education initiative at the Higher Education Policy Commission,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2827 and H. B. 2833) were each referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2713**, Authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to fee schedule,

And,

**H. B. 2743**, Authorizing the Division of Labor to promulgate a legislative rule relating to regulation of heating, ventilating, and cooling work,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2713 and H. B. 2743) were each referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2669**, Authorizing the Fire Commission to promulgate a legislative rule relating to certification of home inspectors,

**H. B. 2671**, Authorizing the Fire Marshal to promulgate a legislative rule relating to certification of electrical inspectors,

**H. B. 2673**, Authorizing the Fire Marshal to promulgate a legislative rule relating to electrician licensing,

**H. B. 2674**, Authorizing the Fire Marshal to promulgate a legislative rule relating to certification of home inspectors,

**H. B. 2693**, Authorizing the Board of Acupuncture to promulgate a legislative rule relating to advertising by licensed acupuncturists,

**H. B. 2694**, Authorizing the Board of Acupuncture to promulgate a legislative rule relating to standards of practice of acupuncture by licensed acupuncturists,

**H. B. 2695**, Authorizing the Board of Acupuncture to promulgate a legislative rule relating to continuing education requirements,



**H. B. 2706**, Authorizing the Athletic Commission to promulgate a legislative rule relating to regulation of mixed martial arts,

**H. B. 2711**, Authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to funeral director, embalmer, apprentice, courtesy card holders and funeral establishment requirements,

**H. B. 2712**, Authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to crematory requirements,

**H. B. 2714**, Authorizing the Board of Landscape Architects to promulgate a legislative rule relating to registration of landscape architects,

**H. B. 2741**, Authorizing the Division of Labor to promulgate a legislative rule relating to the West Virginia Board of Manufactured Housing construction and safety,

And,

**H. B. 2742**, Authorizing the Division of Labor to promulgate a legislative rule relating to supervision of plumbing work,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2669, H. B. 2671, H. B. 2673, H. B. 2674, H. B. 2693, H. B. 2694, H. B. 2695, H. B. 2706, H. B. 2711, H. B. 2712, H. B. 2714, H. B. 2741 and H. B. 2742) were each referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

**S. B. 143**, Relating to Adopt-A-Stream Program,

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

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2221**, Relating to bankruptcy,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2221** – “A Bill to amend and reenact §38-10-4 of the Code of West Virginia, 1931, as amended, relating to bankruptcy; correcting an erroneous term; excluding life insurance proceeds paid to the debtor as a beneficiary, not to exceed \$100,000; excluding any annuities, other than those annuities included in §38-10-4(i)(5), which are paid to the debtor as a beneficiary, not to exceed \$20,000 per year in value; and, excluding any annuities or life insurance policies owned by the debtor which are payable to someone other than the debtor, including any applicable cash surrender value, from attachment by creditors in a bankruptcy proceeding.”

With the recommendation that the committee substitute do pass

**Messages from the Executive****and Other Communications**

A communication from the Clerk of the Senate to His Excellency, the Governor, advised that on January 23, 2023, S. B. 161 and S. B. 162 were presented to the Governor.

**Messages from the Senate**

A message from the Senate, by

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

**Com. Sub. for S. B. 65** – “A Bill to amend and reenact §8-15-1 of the Code of West Virginia, 1931, as amended, relating to municipal fire departments; granting municipal fire marshal the authority to assist in the lawful execution of another law-enforcement officer’s official duties; and clarifying that the authority to assist federal law enforcement is limited by provisions”; which was referred to the Committee on Political Subdivisions then the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 89** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-9D-1 and §15-9D-2, all relating to sexual assault forensic examinations; defining terms; requiring hospitals to have on call, available health care providers to conduct sexual assault forensic examinations and to collect sexual assault forensic examination kits; requiring that the health care providers shall be trained and properly qualified by the Sexual Assault Forensic Examination Commission; and providing for effective date”; which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

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

**Com. Sub. for S. B. 200** – “A Bill to amend and reenact §20-2-5j of the Code of West Virginia, 1931, as amended, relating to adding mortally wounded elk, turkey, wild boar, and bear to list of wounded animals that may be tracked and located using a leased dog; allowing Class Q permit holders or certain physically disabled hunters to designate another hunter who holds a valid hunting license to accompany dog handler to kill mortally wounded animal; and providing that mortally wounded animal shall count toward bag limit of hunter who fired initial shot”; which was referred to

the Committee on Agriculture and Natural Resources then the Judiciary.

### **Resolutions Introduced**

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

**By Delegate Foster:**

**H. J. R. 16** - “Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof, by adding thereto a new section, designated section one-d, relating to exempting from ad valorem taxation personal property in the form of manufacturing inventory and manufacturing equipment; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

And,

**By Delegates Kimble, Clark, Willis, Chiarelli, Longanacre and Hornby:**

**H. J. R. 17** - “ Proposing an amendment to the Constitution of the State of West Virginia, amending section two, article twelve thereof, relating to education; providing for the election of members of the State Board of Education, beginning with the general election in 2026; shortening the term of State Board of Education members; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Education then the Judiciary.

### **Bills Introduced**

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

**By Delegates Statler and Criss:**

**H. B. 2934** - “A Bill to amend and reenact §11-21-3 and §11-21-20 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-

21-3a, all related to levying a tax on pass through entity's income apportioned to West Virginia for pass through entities that elect to pay West Virginia income tax at the entity level and authorizing a refundable income tax credit for an owner for such tax paid"; to the Committee on Finance.

**By Delegates Howell, Phillips, Clark, E. Pritt, Jennings, Hott, Tully, Ferrell, Shamblin, Vance and Dean:**

**H. B. 2935** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2I-9, relating to the creation of a special revenue fund known as the Tourism Event Emergency Medical Services Fund, to be administered by the Department of Tourism"; to the Committee on Economic Development and Tourism then Finance.

**By Delegates Butler, Foster, Dean, Crouse, Dillon, Lucas, Kirby, Jeffries, Kimble, Pinson and Longanacre:**

**H. B. 2936** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-1D-1, relating to establishing privacy regarding medical treatments"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Barnhart, Ferrell, Hott, Kelly, Riley, Miller, Statler and C. Pritt:**

**H. B. 2937** - "A Bill to amend and reenact §47-21-7 of the Code of West Virginia, 1931, as amended, relating to reducing the license fee paid to the Tax Commissioner for annual Raffle licenses for volunteer fire departments to \$250"; to the Committee on Fire Departments and Emergency Medical Services then Finance.

**By Delegates Foster, Burkhammer, Keaton, Householder, Hardy, Mazzocchi, Brooks, Espinosa, Steele, Williams and Walker:**

**H. B. 2938** - "A Bill to amend and reenact §50-1-2 of the Code of West Virginia, 1931, as amended, relating to the allocation of magistrates serving in each county"; to the Committee on the Judiciary.

**By Delegate Rohrbach:**

**H. B. 2939** - “A Bill to amend and reenact §8-13-13 of the Code of West Virginia, 1931, as amended, relating to allowing a municipality to file a lien for unpaid and delinquent refuse fees”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Thorne, Chiarelli, Willis, Longanacre, Ridenour, A. Hall, Lucas, Mazzocchi and Hornby:**

**H. B. 2940** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2L-1, §18-2L-2, and §18-2L-3; and to amend and reenact §18-5G-3 of said code, all relating to anti-stereotyping in state public schools and public charter schools; establishing The Anti-Stereotyping Act; providing that county boards, public schools, public charter schools, and employees thereof, shall not, in the course or scope of employment, promote, embrace, or endorse stereotypes; ensuring that the county board, public school or charter school does not require or compel a student, teacher, administrator, or other employee to affirm, adopt, or adhere to any certain beliefs or concepts, and preserving free speech protections”; to the Committee on Education then the Judiciary.

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

**H. B. 2941** - “A Bill to amend and reenact §18B-1D-11 of the Code of West Virginia, 1931, as amended, relating to extending the sunset date of the State Advisory Council on Postsecondary Attainment Goals”; to the Committee on Education.

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

**H. B. 2942** - “A Bill to amend and reenact §18A-3-6 of the Code of West Virginia, 1931, as amended, relating to revocation of school personnel certification; allowing the state superintendent to automatically suspend certificates held by a teacher or other certificate holder upon charge or indictment for certain offenses; and authorizing the state superintendent to automatically revoke certificates held by a teacher or other certificate holder upon a guilty plea or conviction for certain offenses”; to the Committee on Education then the Judiciary.

**By Delegates Ellington, Statler, Toney and Foster:**

**H. B. 2943** - “A Bill to amend and reenact §17B-2-12a of the Code of West Virginia, 1931, as amended, relating to renewal of driver's license; providing that residents of this state are not required to renew their license until age 65”; to the Committee on Technology and Infrastructure.

**By Delegates Coop-Gonzalez, Fast, Ridenour, Householder, Kimble, Mazzocchi, Crouse, McGeehan, Heckert, Petitto and Pinson:**

**H. B. 2944** - “A Bill to amend and reenact §15-9B-1a, and §15-9B-4 of the Code of West Virginia, 1931, as amended, all relating to the Sexual Assault Examination Network; defining abortion, chemical abortion, and licensed medical professional; and requiring the Sexual Assault Forensic Examination Commission to promulgate rules establishing protocols for storage of DNA samples by any licensed medical professional performing a surgical abortion as a result of rape or incest, notifying persons who are rape or incest victims who receive surgical or chemical abortions of the collection; and for requirements for preserving the chain of evidence in criminal prosecutions, including evidence from rape kits”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Foster, Brooks, Butler, Steele, Kirby, Reynolds, Crouse, Chiarelli, Riley, Ferrell and Smith:**

**H. B. 2945** - “A Bill to amend and reenact §30-1-10 of the Code of West Virginia, 1931, as amended, relating to state boards of examination or registration; and requiring Treasurer to transfer certain funds accumulated by the boards into the State General Fund”; to the Committee on Government Organization then Finance.

**By Delegate Foster:**

**H. B. 2946** - “A Bill to amend and reenact §9-8-4 of the Code of West Virginia, 1931, as amended, relating to eligibility verification for applicants for public assistance and authorizing rulemaking”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

**By Delegate Foster:**

**H. B. 2947** - “A Bill to amend the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §18-5-50, relating to mandatory drug testing of all classes of employees in K through 12 schools”; to the Committee on Education then the Judiciary.

**By Delegate Foster:**

**H. B. 2948** - “A Bill to repeal §48-9-301 of the Code of West Virginia, 1931, as amended; and to amend and reenact §48-9-302 of said code, all relating to removing the discretion of the court to issue a written investigation for proceedings under this article; to ensuring that the West Virginia judiciary remains neutral and detached in all matters pending before any court of this state; to ensuring that the West Virginia judiciary does not in any way initiate or participate in investigations or other activities properly reserved to the executive consistent with the separation of powers required under Article V, Section 1, of the Constitution of the State of West Virginia; to ensuring that the West Virginia judiciary at all times in the performance of its duties acts in a manner consistent with West Virginia Judicial Code of Conduct Rule 2.9, which states that ‘[a] judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter;’ and to ensuring that courts are abiding by the foundational principle of Anglo-American jurisprudence rooted in the Magna Carta and the Due Process clauses of the United States Constitution that no person may have their rights curtailed or stripped from them without the right to confront any witnesses and to rebut any evidence against them, as well as to present their own witnesses and evidence to the court”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

**By Delegate Foster:**

**H. B. 2949** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-9-1, relating to requiring high-volume third-party sellers to provide information to online marketplaces; requiring ongoing verification



of information; requiring high-volume third-party sellers to disclose certain information to consumers; providing for Attorney General enforcement of act; authorizing rulemaking by Attorney General; establishing preemption of municipal requirements; defining terms; and providing effective date”; to the Committee on the Judiciary.

**By Delegate Young:**

**H. B. 2950** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9v, relating to the exemption of certain hygiene products from sales tax”; to the Committee on Finance.

**By Delegate Young:**

**H. B. 2951** - “A Bill to amend and reenact §60A-2-204 of the Code of West Virginia, 1931, as amended, relating to removing certain substances from schedule I of the Uniform Controlled Substances Act, including marihuana, Psilocybin, and Tetrahydrocannabinols”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Young:**

**H. B. 2952** - “A Bill to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended, relating to creating an online voters’ guide; requiring all information in the certificate of announcement; permitting candidates running for statewide office to submit a personal statement; directing the State Election Committee to create the guide; and requiring the Secretary of State post the voters’ guide on its website”; to the Committee on the Judiciary.

**By Delegates Criss, Householder, Hardy and Espinosa:**

**H. B. 2953** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-36-1, §29-36-2, §29-36-3, §29-36-4, §29-36-5, §29-36-6, and §29-36-7, all relating to the creation of the Commission on Cost-of-Living Adjustments; providing for a declaration of public policy and legislative findings; establishing the commission and providing for membership and authority; establishing meetings for the commission; providing for the commission’s authority and duties;

establishing commission reports and recommendations; providing for legislative action; providing for applicability and exceptions; providing for rules; creating notice requirements; and providing for the creation and administration of the Locality Cost-of-Living Adjustment Fund”; to the Committee on Finance.

**By Delegates Riley, Keaton, Smith and Zatezalo:**

**H. B. 2954** - “A Bill to repeal §24-2-11 of the Code of West Virginia, 1931, as amended, relating to repealing the requirement of a certificate of public convenience and necessity in order for certain water and sewer utilities to undertake construction projects”; to the Committee on Technology and Infrastructure.

**By Delegates Riley and Keaton:**

**H. B. 2955** - “A Bill to amend and reenact §16-13D-1, §16-13D-2, §16-13D-3, §16-13D-4, §16-13D-5, §16-13D-6, §16-13D-8, §16-13D-9, §16-13D-10, §16-13D-11, §16-13D-12, §16-13D-13, §16-13D-14, §16-13D-15, §16-13D-17, and §16-13D-21 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-13D-22, all relating to the establishment and operation of regional water, wastewater, and stormwater authorities”; to the Committee on Technology and Infrastructure then Government Organization.

**By Delegates Burkhammer, Crouse, Steele, Butler, Kimble and Keaton:**

**H. B. 2956** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §16-5EE-1, relating to clarifying parent and legal guardian access to a minor child's medical records”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Riley:**

**H. B. 2957** - “A Bill to amend and reenact §17C-6-1 and §17C-6-7a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §17C-6-7b, all relating to establishing a program for camera assisted speed enforcement in active work zones on public highways in this state; authorizing the Commissioner of Highways to set speed limits in work zones on public highways; establishing use of work zone

speed control systems as an exception to the prohibition against photo monitoring devices for traffic law enforcement; establishing duty of vehicle owners to ensure lawful operation of their vehicles on public highways; defining terms; authorizing the use of work zone speed control systems for enforcement of speed restrictions in active work zones; specifying lawful uses of equipment and setting conditions upon their operation; specifying qualifications of system operators; establishing specification and restrictions for machine functions; providing for administration of enforcement program by contractor; requiring written notice of violations to be provided to vehicle owners, with specification for contents and manner of delivery; establishing civil penalties for violations and limiting the effect and use of admissions and assessments; establishing response options for owner and the owner's obligation to respond; providing for default for owner's failure to respond and suspension of vehicle registration; authorizing collection of delinquent penalties; providing for administrative hearing, notice of hearing, and judicial review of decisions; restricting the use of images and providing an exception from the Freedom of Information Act; requiring the proposal and acceptance of legislative rules; correcting references to other sections; and requiring the submission of annual reports"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate Burkhammer:**

**H. B. 2958** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, §11-13MM-3, §11-13MM-4, §11-13MM-5, §11-13MM-6, and §11-13MM-7, all relating to the creation of the West Virginia Business Incentive Program; providing for a short title; providing for legislative findings and purpose; creating the program and setting forth qualifications; setting forth a penalty for failure to keep records; providing for rulemaking; providing for the application of the West Virginia Tax Procedure and Administration Act and West Virginia Tax Crimes and Penalties Act to the West Virginia Business Incentive Program; and providing for an effective date"; to the Committee on Economic Development and Tourism then Finance.

**By Delegates Burkhammer and Martin:**

**H. B. 2959** - “A Bill to amend and reenact §5-10-48 of the Code of West Virginia, 1931, as amended, relating to increasing maxim compensation from \$20,000 to \$40,000 that certain retirants may receive, who accept legislative per diem, temporary full-time, or temporary part-time employment from a participating employer without suspending his or her retirement annuity”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Burkhammer, Foster and Keaton:**

**H. B. 2960** - “A Bill to amend and reenact §33-6F-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §33-6F-3, all relating to prohibiting disclosure of insurance policy limits prior to the filing of a lawsuit”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Ellington, Chiarelli, Willis, Hornby, Summers and Tully:**

**H. B. 2961** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-16-6; to amend and reenact §18C-3-4 of said code; and to repeal §30-7B-1, §30-7B-2, §30-7B-3, §30-7B-4, §30-7B-5, §30-7B-6, and §30-7B-7 of said code; all relating to creating an office of nursing education and workforce development within the Higher Education Policy Commission; providing duties and responsibilities of the office; moving the functions of the Center for Nursing to the Higher Education Policy Commission; changing name of from the Center for Nursing Scholarship and Workforce Fund special revenue account to the Nursing Scholarship and Workforce Fund; clarifying that licensed nurses in a bridge program are eligible for the nursing scholarship from the beginning of their programs; and eliminating the Center for Nursing”; to the Committee on Education.

**By Delegate Young:**

**H. B. 2962** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-11A-1b, relating to providing a procedure for modification of a prison

sentence when a person has served at least 10 years of a sentence”; to the Committee on the Judiciary.

**By Delegate Young:**

**H. B. 2963** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §25-8-1, relating to inmate medical or dental co-payments”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Young:**

**H. B. 2964** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-3F-1, §61-3F-2, and §61-3F-3, all relating to online privacy protection for children; prohibiting the marketing or advertising of certain products or services to minors; specifying prohibited good and services; prohibiting the collection of information about minor users for marketing purposes; requiring operators of website, online services, or applications to remove personal information about a minor when the information is visible to others; and specifying limited exceptions”; to the Committee on the Judiciary.

**By Delegates Walker, Young and Hansen:**

**H. B. 2965** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-15A-1, §16-15A-2, and §16-15A-3, all relating to the creation of the Tiny Home Pilot Program”; to the Committee on Political Subdivisions then Finance.

**By Delegates Walker, Young and Pushkin:**

**H. B. 2966** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12n, relating to establishing a tax credit for owners or lessors of residential properties that allow for a first time or second chance opportunity for housing to houseless individuals, justice impacted persons, assault victims, veterans, and adults who age out of the foster care system; and providing for rule-making authority”; to the Committee on Senior, Children, and Family Issues then Finance.

**By Delegates Cooper, Smith, Hillenbrand, Steele, Longanacre, Ridenour, Sheedy, Butler and Honaker:**

**H. B. 2967** - “A Bill to amend and reenact §30-1-23 of the Code of West Virginia, 1931, as amended, relating to providing for the expedited processing of professional or trade license applications for service members, veterans, and their spouses, when the applicant is licensed and in good standing in another jurisdiction”; to the Committee on Veterans' Affairs and Homeland Security then Government Organization.

**By Delegates Cooper, Smith, Steele, Longanacre, Ridenour, Sheedy and Honaker:**

**H. B. 2968** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-10-7e, relating to providing a waiver of tuition and fees at state institutions of higher education and community and technical colleges for military veterans, their spouses, and dependents, when that veteran has a service-related disability of 50 percent or greater”; to the Committee on Veterans' Affairs and Homeland Security then Finance.

**By Delegates Cooper, Smith, Hillenbrand, Steele, Longanacre, Ridenour, Sheedy, Butler and Honaker:**

**H. B. 2969** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-30, all relating to creating a refundable tax credit for certain disabled veterans towards their real property tax obligation; establishing eligibility for the credit; and capping the refund at \$3,000”; to the Committee on Veterans' Affairs and Homeland Security then Finance.

**By Delegates Nestor, Steele, Martin, Longanacre, Hott, C. Pritt, Honaker, Garcia, Fast, Kirby and Householder:**

**H. B. 2970** - “A Bill to amend and reenact §61-11-25 of the Code of West Virginia, 1931, as amended, relating to general provisions concerning crimes; expungement of criminal records; and when a civil action may be filed to expunge criminal records”; to the Committee on the Judiciary.

**By Delegate Young:**

**H. B. 2971** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §25-8-1, relating to inmate cost for reading material”; to the Committee on Finance.

**By Delegates C. Pritt and Chiarelli:**

**H. B. 2972** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-11A-1 and §16-11A-2, all relating to the restriction of public universities or university associated healthcare facilities from performing gender reassignment surgeries or gender affirming care upon minors”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate C. Pritt:**

**H. B. 2973** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-22-3, relating to providing that a guardian ad litem may not be appointed in an adoption proceeding when both birth parents have signed proper relinquishments”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

**By Delegates C. Pritt and Jeffries:**

**H. B. 2974** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4, and §5-30-5, all relating to state recognition of Native American Tribes; defining terms; designating certain tribes as recognized by the state; establishing criteria for state recognition of additional tribes; authorizing unique trademarks for certain arts and crafts; prohibiting gambling and/or reservations; and providing penalty for unauthorized use of trademark”; to the Committee on Government Organization then the Judiciary.

**By Delegates C. Pritt and Phillips:**

**H. B. 2975** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-20, all relating to requiring that State Parks must charge market rate for

the use of electric vehicle charging stations”; to the Committee on Energy and Manufacturing then Finance.

**By Delegates C. Pritt, McGeehan and Chiarelli:**

**H. B. 2976** - “A Bill to amend of the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2P-1, §16-2P-2, §16-2P-3, §16-2P-4, §16-2P-5, and §16-2P-6, all relating to the creation of the ‘Keep Roe Reversed Forever Act;’ creating a civil action for injunctive and declaratory relief pursuant to the Tenth Amendment and the establishment clause of the First Amendment of the United States Constitution and Section 3-15, Article III of the West Virginia Constitution against a federal actor that attempts to remove restrictions imposed by this State and its people on licentious religious practices of convenience abortion; providing for a short title; providing for legislative findings; providing for definitions; providing for enforcement, supplemental jurisdiction and construction; and providing for an effective date”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2977** - “A Bill to amend and reenact §11A-4-4 of the Code of West Virginia, 1931, as amended, relating to reducing to one year the deadline for right to set aside deed when one entitled to notice of tax sale was not notified”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2978** - “A Bill to amend and reenact §16-2-16 of the Code of West Virginia, 1931, as amended, relating to removing the requirement that a local county health department issue a food handler permit or card; and providing that food handlers shall follow United States Food and Drug Administration regulations applicable to food-handling operations”; to the Committee on Health and Human Resources.

**By Delegate Steele:**

**H. B. 2979** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-15-1, relating to establishing an animal abuser registry; establishing requirements for registration; directing the State Police to establish



and maintain a state registry; providing what crimes require registration; requiring each law-enforcement agency to submit information relating to convicted animal abusers; and establishing a criminal penalty for failure to register”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Steele:**

**H. B. 2980** - “A Bill to amend and reenact §61-8A-3 of the Code of West Virginia, 1931, as amended, relating to removing bona fide schools, public libraries, and museums from the list of exemptions from criminal liability relating to distribution and display to minor of obscene matter”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2981** - “A Bill to amend and reenact §62-1-5 of the Code of West Virginia, 1931, as amended, relating to criminal procedure; preliminary procedure; and when a mug shot of an accused person may be made public”; to the Committee on the Judiciary.

**By Delegate Williams:**

**H. B. 2982** - “A Bill to amend and reenact §21-5C-2 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum wage based upon increases in the consumer price index”; to the Committee on Workforce Development then the Judiciary.

**By Delegate Williams:**

**H. B. 2983** - “A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to cruelty to animals; defining food, water, shelter, and treatment; providing specifics for tethering an animal; providing for seizure of an animal for violations; increasing criminal penalties; and providing that a person in violation of this statute for a second time shall be added to a state-wide, publicly available, do not adopt or sell, registry”; to the Committee on the Judiciary.

**By Delegate Young:**

**H. B. 2984** - “A Bill to amend and reenact §17C-6-1 and §17C-6-7a of the Code of West Virginia, 1931, as amended; and to amend

said code by adding thereto a new section, designated §17C-6-7b, all relating to establishing a program for camera assisted speed enforcement in active school zones in this state; authorizing the Commissioner of Highways to set speed limits in school zones on public highways; establishing use of school zone speed control systems as an exception to the prohibition against photo monitoring devices for traffic law enforcement; establishing duty of vehicle owners to ensure lawful operation of their vehicles on public highways; defining terms; authorizing the use of school zone speed control systems for enforcement of speed restrictions in active school zones; specifying lawful uses of equipment and setting conditions upon their operation; specifying qualifications of system operators; establishing specification and restrictions for machine functions; providing for administration of enforcement program by contractor; requiring written notice of violations to be provided to vehicle owners, with specification for contents and manner of delivery; establishing civil penalties for violations and limiting the effect and use of admissions and assessments; establishing response options for owner and the owner's obligation to respond; providing for default for owner's failure to respond and suspension of vehicle registration; authorizing collection of delinquent penalties; providing for administrative hearing, notice of hearing, and judicial review of decisions; restricting the use of images and providing an exception from the Freedom of Information Act; requiring the proposal and acceptance of legislative rules; correcting references to other sections; and requiring the submission of annual reports"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate Williams:**

**H. B. 2985** - "A Bill to amend and reenact §60-1-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §60-6-27, all relating to authorizing municipalities to establish outdoor refreshment areas for consumption of alcoholic beverages and non-intoxicating beer; granting authority and oversight to municipalities to permit these areas; requiring municipal authorization of permitted areas; providing definitions; placing limitations and conditions on the establishment of such areas; requiring permit holders to have valid

licenses from the state; requiring public notice; providing the alcoholic beverage control commissioner to regulate the areas; allowing municipality and zoning limitations; establishing limitations on sizes of approved areas; allowing for revocation and periodic renewal requirements for designated areas; and requiring compliance with all state and municipal laws, permits and limitations in permitted areas”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate Williams:**

**H. B. 2986** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §48-10A-101, §48-10A-102, §48-10A-201, §48-10A-202, §48-10A-203, §48-10A-204, §48-10A-301, §48-10A-401, §48-10A-402, §48-10A-403, §48-10A-501, §48-10A-502, §48-10A-601, §48-10A-602, §48-10A-701, §48-10A-702, §48-10A-801, §48-10A-802, §48-10A-901, §48-10A-902, §48-10A-1001, §48-10A-1002, §48-10A-1101, and §48-10A-1201; and to amend and reenact §51-2A-2 of said code, all relating to the creation of a statutory right to petition circuit and family courts in West Virginia for sibling visitation with minor children”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2987** - “A Bill to amend and reenact §16-3-1, §16-3-2, and §16-3-3 of the Code of West Virginia, 1931, as amended, all relating to authority and powers of the state director of health; removing the director’s ability to arrest and detain persons; removing the conditions requiring the county or municipality to pay expenses relating to communicable diseases; removing the penalties for violations; and establishing penalties for persons who fail to stop to have goods inspected for communicable diseases”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Young:**

**H. B. 2988** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-11-1, §9-11-2, §9-11-3, §9-11-4, and §9-11-5, all relating to the wholesale importation of prescription drugs”; to the Committee on Health and Human Resources.

**By Delegate Ellington:**

**H. B. 2989** - “A Bill to amend and reenact §18C-3-5 of the Code of West Virginia, 1931, as amended, all relating to increasing the number of out-of-state medical students receiving in-state tuition rates who agree to practice for a specific time within West Virginia”; to the Committee on Education then Finance.

**By Delegate Foster:**

**H. B. 2990** - “A Bill to amend and reenact §48-9-302 of the Code of West Virginia, 1931, as amended, relating to ensure that persons appointed as guardians ad litem in divorce and child custody and parenting cases are properly trained in certified courses of instruction with curricula grounded in the social science bases for determining the best interests of the child with regard to custodial responsibility, decision-making responsibility, and parenting time”; to the Committee on the Judiciary.

**By Delegate Steele:**

**H. B. 2991** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-10c, relating to establishing the crime of torture; establishing criminal penalties; defining terms; providing that pain is not an element of the crime of torture; and establishing that conviction of the crime of torture does not preclude conviction of another offense arising from the same transaction”; to the Committee on the Judiciary.

**By Delegate Toney:**

**H. B. 2992** - “A Bill to amend and reenact §17C-1-7 of the Code of West Virginia, 1931, as amended, relating to clarifying and updating school bus rules and the types of vehicles covered in this statute”; to the Committee on Education.

**By Delegates Summers and Tully:**

**H. B. 2993** - “A Bill to amend and reenact §16-5B-14 of the Code of West Virginia, 1931, as amended, relating to rural emergency hospital licensure”; to the Committee on Health and Human Resources.

**By Delegates Summers and Tully:**

**H. B. 2994** - “A Bill to amend and reenact §30-8A-1 of the Code of West Virginia, 1931, as amended, relating to the expiration date of an optometrist's prescription”; to the Committee on Health and Human Resources.

**By Delegate Foster:**

**H. B. 2995** - “A Bill to amend and reenact §30-10-10 and §30-10-11 of the Code of West Virginia, 1931, as amended, relating to veterinary nurse technicians, defining the requirements to become a veterinary nurse technician; and clarifying the scope of practice for veterinary technician nurses”; to the Committee on Agriculture and Natural Resources then Government Organization.

**By Delegate C. Pritt:**

**H. B. 2996** - “A Bill to amend and reenact §51-9-4 of the Code of West Virginia, 1931, as amended, relating to allowing a credit toward judicial retirement for public defender service”; to the Committee on Pensions and Retirement then the Judiciary.

**By Delegate C. Pritt:**

**H. B. 2997** - “A Bill to amend and reenact §18-31-2 of the Code of West Virginia, 1931, as amended, relating to ensuring that the HOPE Scholarship is eligible to all children in West Virginia, not just those enrolled in public school for 45 days”; to the Committee on Education then Finance.

**By Delegates C. Pritt, Chiarelli and Kirby:**

**H. B. 2998** - “A Bill to amend and reenact §16-5-10 of the Code of West Virginia, 1931, as amended, relating to listing of genders on birth certificates and prohibiting the use of ‘non-binary’ as a gender description on birth certificates”; to the Committee on the Judiciary.

**By Delegates C. Pritt, Kirby and Keaton:**

**H. B. 2999** - “A Bill to amend and reenact §61-8D-3 of the Code of West Virginia, 1931, as amended, relating to child abuse; and providing that the decision of a parent, guardian or custodian not to have a child vaccinated is not child abuse”; to the Committee

on Senior, Children, and Family Issues then Health and Human Resources.

**By Delegates C. Pritt, Kirby and Phillips:**

**H. B. 3000** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-14-4, relating to requiring universities in this state to accept vaccine exemptions for religious, medical, or right or conscience”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates C. Pritt, Chiarelli and Kirby:**

**H. B. 3001** - “A Bill to amend and reenact §18A-2-2 of the Code of West Virginia, 1931, as amended, relating to protecting the West Virginia public school teachers who refuse to use pronouns that are inconsistent with a student's biological sex”; to the Committee on Education then the Judiciary.

**By Delegates C. Pritt, Chiarelli, Keaton and Kirby:**

**H. B. 3002** - “A Bill to amend and reenact the Code of West Virginia, 1931, as amended, adding thereto a new section designated §30-5-24a, relating to prohibiting a mail-order pharmacy from dispensing an abortifacient or other abortion-inducing medication; and providing criminal penalties”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates C. Pritt, Chiarelli, Keaton and Kirby:**

**H. B. 3003** - “A Bill to amend and reenact §30-1-26 of the Code of West Virginia, 1931, as amended, relating to clarifying that telehealth services are prohibited for abortion services”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate C. Pritt:**

**H. B. 3004** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-2A-1, §61-2A-2, and §61-2A-3, all relating to the transferred right of self-defense to a person who engages an active shooter on school grounds; providing a short title, legislative findings, the transferred right of self-defense; prohibiting cowardice by a school security guard; providing a special hero reward to be administered by the State Treasurer; providing construction pursuant to the Second

Amendment and the Tenth Amendment of the United States Constitution”; to the Committee on the Judiciary.

**By Delegates Hardy, Foster, Criss, Hornby, Ridenour, Espinosa, Horst, W. Hall and Westfall:**

**H. B. 3005** - “A Bill to amend and reenact §11-22-2 of the Code of West Virginia, 1931, as amended, relating to accelerating the conversion of the state excise tax on the privilege of transferring real property into a county excise tax”; to the Committee on Finance.

**By Delegates Ferrell, Rohrbach, Reynolds, Hardy, Jeffries, Phillips, Honaker, Linville, Riley, Barnhart and Kelly:**

**H. B. 3006** - “A Bill to amend and reenact §61-10-34 of the Code of West Virginia, 1931, as amended, relating to the ‘West Virginia Critical Infrastructure Protection Act’; adding the criminal offense of damaging, destroying, or stealing any amount of copper, with felony penalties; providing for forfeiture of items of personal property which are used, have been used, or are intended for use, used in perpetration of theft or damage to infrastructure, including all conveyances, including aircraft, vehicles or vessels; and providing that the forfeiture provisions of this bill be governed by the applicable provisions of the West Virginia Contraband Forfeiture Act”; to the Committee on the Judiciary.

**By Delegates Hornby, Clark, Hardy, Capito, Householder, Dean, Hanshaw (Mr. Speaker), Riley, Holstein, Hite and Skaff:**

**H. B. 3007** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, §11-13MM-3, and §11-13MM-4, all relating to creating the Small Business Payroll Tax Credit, a three-year program establishing a tax credit for up to five employees for new businesses with fewer than 15 employees; establishing a start date and end date; listing the amounts of credits for five employees; and requiring the Department of Economic Development to track the progress of this program and present a report”; to the Committee on Economic Development and Tourism then Finance.

**By Delegates Espinosa, Summers, Linville, Criss, Hardy and C. Pritt:**

**H. B. 3008** - “A Bill to amend and reenact §3-2-6 of the Code of West Virginia, 1931, as amended, relating to clarifying the uniform statewide deadline for electronically submitted voter registration applications”; to the Committee on the Judiciary.

**By Delegates Espinosa, Linville, Storch, Criss, Hardy, Skaff and C. Pritt:**

**H. B. 3009** - “A Bill to amend and reenact §3-2-2 of the Code of West Virginia, 1931, as amended, relating to voting rights of formerly incarcerated individuals; and restoring suffrage for a person incarcerated for a felony conviction upon release”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 3010** - “A Bill to amend and reenact §16A-15-4 of the Code of West Virginia, 1931, as amended, relating to medical marijuana; clarifying certain provisions relating to employment of individuals using medical marijuana that would otherwise be denied employment due to the use of marijuana; clarifying federal provisions for employers to prohibit the use of medical marijuana; preserving an employer’s right to continue or establish a drug-free workplace program or policy; and prohibiting a cause of action be brought against an employer for wrongful termination or discrimination due to an employee’s use of medical marijuana”; to the Committee on Workforce Development then the Judiciary.

**By Delegate Foster:**

**H. B. 3011** - “A Bill to amend and reenact §30-1-10 of the Code of West Virginia, 1931, as amended, relating to monetary requirements of the boards; reducing the fund balance amounts of the boards to the average annual expenses from the previous five years; creating an Occupational Licensing Legal Fund from existing revenues; providing for transfer of money from excess receipts of occupational licensing boards; specifying authorized uses of the funds; providing that expenditures are subject to appropriation by the Legislature; and requiring a balance transfer to the General Revenue Fund”; to the Committee on Government Organization then Finance.



**By Delegates Anderson, Zatezalo, Foggin, Heckert, Hott, Barnhart, Ferrell, Young, Hansen, Fehrenbacher and Rowe:**

**H. B. 3012** - “A Bill to amend and reenact §11-13A-3c of the Code of West Virginia, 1931, as amended, relating to the imposition of the tax on the privilege of severing other natural resources; providing for an exemption from the imposition of the severance tax for a period of 12 years beginning on July 1, 2023, for severing rare earth elements and critical minerals; and defining rare earth elements and critical minerals”; to the Committee on Energy and Manufacturing then Finance.

### **Motions**

At the request of Delegate Householder, and by unanimous consent, H. B. 2035 and S. B. 147 were referred to the Committee on Prevention and Treatment of Substance Abuse.

### **Special Calendar**

#### **Third Reading**

**S. B. 128**, Clarifying authority of Governor and Legislature to proclaim and declare state of emergency and preparedness; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

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

### **“ARTICLE 5. DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT.**

#### **§15-5-2. Definitions.**

As used in this article:

(1) ‘Board’ means the West Virginia Disaster Recovery Board created by this article;

(2) 'Code' means the Code of West Virginia, 1931, as amended;

(3) 'Community facilities' means a specific work, or improvement within this state or a specific item of equipment or tangible personal property owned or operated by any political subdivision or nonprofit corporation and used within this state to provide any essential service to the general public;

(4) 'Critical infrastructure' includes any systems and assets, whether physical or virtual, so vital to the state that the incapacity or destruction of such systems and assets would have a debilitating impact on security, state economic security, state public health or safety, or any combination of those matters.

(5) 'Disaster' means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or terrorist or man-made cause, including weapons of mass destruction, fire, flood, earthquake, wind, snow, storm, chemical or oil spill or other water or soil contamination, epidemic, air contamination, blight, drought, infestation or other public calamity requiring emergency action;

(6) 'Disaster recovery activities' means activities undertaken prior to, during or following a disaster to provide, or to participate in the provision of, critical infrastructure, emergency services, temporary housing, residential housing, essential business activities, and community facilities;

(7) 'Emergency services' means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to protect, respond, and recover, to prevent, detect, deter, and mitigate, to minimize and repair injury and damage resulting from disasters or other event caused by flooding, terrorism, enemy attack, sabotage, or other natural or other man-made causes. These functions include, without limitation, critical infrastructure services, firefighting services, police services, medical and health services, communications, emergency telecommunications, radiological, chemical, and other special weapons defense, evacuation of

persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to the health, safety, and welfare of the citizens of this state, together with all other activities necessary or incidental to the preparation for and carrying out of these functions. Disaster includes the imminent threat of disaster as well as its occurrence and any power or authority exercisable on account of a disaster that may be exercised during the period when there is an imminent threat;

(8) 'Essential business activities' means a specific work or improvement within this state or a specific item of equipment or tangible personal property used within this state by any person to provide any essential goods or critical infrastructure services determined by the authority to be necessary for continued operations during a disaster, state of emergency, or state of preparedness, and for recovery from a disaster;

(9) 'Essential workers' means employees or contractors that fall under the definition of essential business activities during a disaster, state of emergency, or state of preparedness.

(10) 'House of worship' means a church, temple, synagogue, mosque, or other building or space set apart primarily for the purpose of worship, devotion, veneration or religious study;

(11) 'Local organization for emergency services' means an organization created in accordance with the provisions of this article by state or local authority to perform local emergency services function;

(12) 'Mobile support unit' means an organization for emergency services created in accordance with the provisions of this article by state or local authority to be dispatched by the Governor to supplement local organizations for emergency services in a stricken area;

(13) 'Person' means any individual, corporation, voluntary organization or entity, partnership, firm, or other association,

organization, or entity organized or existing under the laws of this or any other state or country;

(14) ‘Political subdivision’ means any county or municipal corporation in this state;

(15) ‘Recovery fund’ means the West Virginia Disaster Recovery Trust Fund created by this article;

(16) ‘Residential housing’ means a specific work or improvement within this state undertaken primarily to provide dwelling accommodations, including the acquisition, construction or rehabilitation of land, buildings and improvements thereto, for residential housing, including, but not limited to, facilities for temporary housing and emergency housing, and any other nonhousing facilities that are incidental or appurtenant thereto;

(17) ‘Secretary’ means the Secretary of the West Virginia Department of ~~Military Affairs and Public Safety~~ Homeland Security; ~~and~~

(18) ‘State of emergency’ means the duly proclaimed existence of, or the imminent existence of, conditions of disaster, or, of a serious threat to the safety of persons and property within West Virginia, such as an attack upon the state or the United States, a natural or man-made disaster of major proportions, or a large-scale threat beyond the capacity of local control.

(19) ‘State of preparedness’ means those specialized planning and preparation activities intended to minimize any anticipated impact of a pending emergency initiated for the purpose of preserving and securing people or property from harm by utilization of any available governmental resources: *Provided*, That a state of preparedness may not be used to suspend or limit any government function or service to the public, including, but not limited to, closing public schools or governmental offices, nor to regulate or restrict any private state citizen’s conduct, such as requiring evacuation of areas of the state or other like action, unless otherwise authorized by law; and

(20) ‘Temporary housing’ means a specific work or improvement within this state undertaken primarily to provide dwelling accommodations, including the acquisition, construction or rehabilitation of land, buildings and improvements thereto, for temporary residential shelters or housing for victims of a disaster and such other nonhousing facilities that are incidental or appurtenant thereto.

### **§15-5-6. Emergency powers of Governor.**

(a) The provisions of this section, and of any executive order issued pursuant to the provisions of this section, are operative only during the existence of a state of emergency or state of preparedness. Nothing in this section may be construed to suspend or supersede any provision of the Constitution of West Virginia or the Constitution of the United States.

(1) The existence of a state of emergency ~~or state of preparedness~~ may be proclaimed by the Governor or by concurrent resolution of the Legislature if the Governor in the proclamation, or the Legislature in the resolution, finds that an attack upon the state or the United States has occurred or is ~~anticipated in the immediate future~~ imminent, or that a natural or man-made disaster of major proportions has actually occurred or is imminent within the state, or that an emergency exists or may be imminent due to a large-scale threat beyond local control, and that the safety and welfare of the inhabitants of this state require an invocation of the provisions of this section.

(2) The existence of a state of preparedness may be proclaimed by the Governor or by concurrent resolution of the Legislature, if the Governor in the proclamation, or the Legislature in the resolution, finds that an attack upon the state or the United States is anticipated in the immediate future, or that a natural or man-made disaster of major proportions is likely within the state or some portion thereof, or that an emergency may be likely due to a large-scale threat beyond local control, or that a major event necessitating cooperation between state and local authorities, or the federal government, is imminent, and that the safety and welfare of

the inhabitants of this state require an invocation of the provisions of this section.

(b)(1) ~~Any state of emergency or state of preparedness, whether proclaimed by the Governor or by the Legislature, terminates upon the proclamation of the termination by the Governor, or the passage by the Legislature of a concurrent resolution terminating the state of emergency: or state of preparedness~~ *Provided*, That in no case shall a state of ~~preparedness~~ emergency last longer than ~~thirty~~ 60 days, unless the Legislature, by passage of a concurrent resolution, shall extend the time period of the state of emergency: *Provided, however,* That such extension may be renewed, if necessary, by passage of a subsequent concurrent resolution of the Legislature. The Legislature may also condition, limit, terminate, or expand any action or directive made either by the proclamation of the Governor relating to the state of emergency or any executive order issued as a result of such proclamation. Upon proclamation by the Governor of a state of emergency, the Governor may call the Legislature into special session.

(2) Any state of preparedness, whether proclaimed by the Governor or by the Legislature, terminates upon the proclamation of the termination by the Governor, or the passage by the Legislature of a concurrent resolution terminating the state of preparedness: *Provided*, That in no case shall a state of preparedness last longer than 30 days, unless the Legislature by passage of a concurrent resolution, shall extend the time period of the state of preparedness: *Provided however,* That such extension may be renewed, if necessary, by passage of a subsequent concurrent resolution of the Legislature. The Legislature may also condition, limit, terminate, or expand any action or directive made either by the proclamation of the Governor relating to the state of preparedness or any executive order issued as a result of such proclamation. Upon proclamation by the Governor of a state of preparedness, the Governor may call the Legislature into special session.

(c) For the purposes of calculation of the length of time of the existence of a state of preparedness or state of emergency commenced according to the provisions of this section, when the

Governor issues a proclamation declaring a state of preparedness or emergency, any subsequent proclamation that substantially relates to the same circumstances that caused the issuance of the initial proclamation shall be treated as a continuation of the initial proclamation for that purpose, even if the prior proclamation, has, by its own terms, expired: *Provided*, That when a state of emergency follows a state of preparedness, and they are substantially relating to the same circumstances, the total time allotted for the duration of the two states combined shall be no more than 60 days, unless the Governor follows the requirements for extending the state of emergency under subsection (b)(1) of this section.

(d) The Governor shall have the following delineated powers so long as a state of preparedness exists and which are intended to be strictly construed to authorize only those actions that are consistent with constitutional or statutory law, or with final orders of those courts of competent jurisdiction to which the Governor is subject: So long as a state of emergency or state of preparedness exists, the Governor has and may exercise the following additional emergency powers:

(1) To enforce all laws and rules relating to the provision of emergency services and to assume direct operational control of any or all emergency service forces and helpers in the state:

(2) To sell, lend, lease, give, or transfer state property, make purchases, or deliver materials or perform functions relating to emergency services on terms and conditions he or she prescribes and without regard to the limitations of any existing law and to account to the State Treasurer for any funds received for the property;

~~(3) To procure materials and facilities for emergency services by purchase, condemnation under the provisions of chapter fifty-four of this code or seizure pending institution of condemnation proceedings within thirty days from the seizing thereof and to construct, lease, transport, store, maintain, renovate or distribute the materials and facilities. Compensation for property so procured~~

~~shall be made in the manner provided in chapter fifty-four of this code~~

(4) (3) To obtain the services of necessary personnel, required during the emergency, and to compensate them for their services from his or her contingent funds or other funds available to him or her;

~~(5) To provide and compel the evacuation of all or part of the population from any stricken or threatened area within the state and to take steps that are necessary for the receipt and care of the evacuees~~

~~(6) To control ingress and egress to and from a disaster area or an area where large scale threat exists, the movement of persons within the area and the occupancy of premises therein~~

(7) (4) To suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders, rules of any state agency, if strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency;

(8) (5) To use available resources of the state and of its political subdivisions that are reasonably necessary to cope with the emergency;

(9) (6) To suspend or limit the sale, dispensing or transportation of alcoholic beverages, explosives and combustibles; Provided, That explosives and combustibles do not include firearms, ammunition, components of ammunition, or ammunition-reloading equipment and supplies;

(10) (7) To make provision for the availability and use of temporary emergency housing; and

(11) (8) To perform and exercise other functions, powers and duties that are necessary to promote and secure the safety and protection of the civilian population.



(e) In the event of the declaration of a state of emergency, the Governor shall have and may exercise all the preceding powers delineated in this section for use in a state of preparedness, as well as the following additional emergency powers which are intended to be strictly construed to authorize only those actions that are consistent with constitutional or statutory law, or with final orders of those courts of competent jurisdiction to which the Governor is subject:

(1) To procure facilities for emergency services by purchase, by condemnation under the provisions of Chapter 54 of this code, or by seizure pending institution of condemnation proceedings within 30 days from the seizing thereof, and to construct, lease, transport, store, maintain, renovate or distribute the materials and facilities. Compensation for property so procured shall be made in the manner provided in Chapter 54 of this code;

(2) To provide and compel the evacuation of all or part of the population from any stricken or threatened area within the state and to take steps that are necessary for the receipt and care of the evacuees; and

(3) To control ingress and egress to and from a disaster area or an area where large-scale threat exists, the movement of persons within the area, and the occupancy of premises therein.

~~(d)~~ (f) The declaration of a state of preparedness has the same effect as a declaration of a state of emergency for the purposes of the Emergency Management Assistance Compact established in §15-5-22 of this code and the Statewide Mutual Aid Systems set forth in §15-5-28 of this code.

(g) Any proclamation or resolution issued under this section must include, in general terms:

(1) A description of the nature of the disaster;

(2) A designation of the geographic area threatened; and

(3) A description of the conditions that have either:

(A) Caused the state of emergency or preparedness; or

(B) Made possible the termination of the state of emergency or preparedness.

Any such proclamation or resolution shall be disseminated as expediently as possible by means which are calculated to bring its contents to the attention of the general public and the Joint Committee on Government and Finance of the Legislature and, unless the circumstances attendant to the state of emergency or preparedness shall prevent or impede such filing, shall be promptly filed with the Secretary of State.

(e) (h) The powers granted under this section do not authorize any action that would violate the prohibitions of §15-5-19a of this code.

(i) Any suit filed challenging an executive order issued relating to a state of preparedness or emergency pursuant to the authority granted in this section shall be limited to a petition for prohibition or mandamus pursuant to Rule 16 of the Rules of Appellate Procedure of the West Virginia Supreme Court of Appeals. The provisions of §55-17-3 of this code are not applicable to any suit filed challenging an executive order issued pursuant to this section.

(j) Nothing in this section may be construed as to authorize the Governor to close or dictate religious practices in a house of worship during a state of preparedness or state of emergency.”

On motion of Delegate Phillips, the amendment was amended, on page 7, section 6, line 77, by striking out subdivision (4) in its entirety and inserting in lieu thereof the following:

“(4) To suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of any state agency, if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with the emergency: *Provided*, That nothing in this subdivision may be construed as granting the Governor the power to suspend any provisions of this section;”

Delegate Worrell moved to amend the resolution on page 5, section (b), line 24, by striking through the word “60” and inserting the word “30” in lieu thereof.

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. 23**), and there were—yeas 31, nays 66, absent and not voting 3, with the yeas and the absent and not voting being as follows:

Yeas: Brooks, Burkhammer, Butler, Chiarelli, Dean, Dillon, Fast, Fluharty, Foggin, Foster, Hanna, Hansen, Hillenbrand, Holstein, Kirby, Lucas, Marple, Mazzocchi, Miller, Pinson, E. Pritt, Pushkin, Ridenour, Ross, Skaff, Steele, Street, Thorne, Vance, Worrell and Young.

Absent and Not Voting: Bridges, Storch and Ward.

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

Delegates Butler, Dillon, Foster, Dean, Brooks, Steele, Foggin, Crouse, Worrell, Ridenour and Longanacre moved to amend the resolution on page 3, section 2, line 66, following the word “control”, by inserting the words “: Provided, That an individual may not be deprived of life, liberty, property, or the right of self determination”.

And,

On page 4, section 2, line 73, following the word “law” by inserting the words “: Provided, however, That no individual may be deprived of life, liberty, property, or the right of self determination”.

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. 24**), and there were—yeas 34, nays 63, absent and not voting 3, with the yeas and the absent and not voting being as follows:

Yeas: Brooks, Butler, Chiarelli, Coop-Gonzalez, Crouse, Dean, Dillon, Ellington, Fast, Foggin, Foster, A. Hall, Hanna, Heckert, Hite, Holstein, Kirby, Kump, Longanacre, Lucas, Marple, Martin, Mazzocchi, Petitto, Pinson, E. Pritt, Ridenour, Ross, Sheedy, Statler, Steele, Thorne, Vance and Worrell.

Absent and Not Voting: Bridges, Storch and Ward.

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

Delegates Butler, Dillon, Foster, Dean, Brooks, Steele, Foggin, Crouse, Worrell, Ridenour and Longanacre moved to amend the resolution on page 7, section 6, line 85, following the word “supplies” by inserting the words “nor do restrictions on explosives and combustibles include fuels used for transportation, home heating, cooking, and other essential needs of life of our citizens”.

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. 25**), and there were—yeas 26, nays 69, absent and not voting 5, with the yeas and the absent and not voting being as follows:

Yeas: Adkins, Brooks, Butler, Chiarelli, Crouse, Dean, Dillon, Fast, Foggin, Foster, A. Hall, Hillenbrand, Hite, Keaton, Kimble, Kirby, Kump, Longanacre, Lucas, E. Pritt, Ridenour, Ross, Steele, Thorne, Vance and Zatezalo.

Absent and Not Voting: Bridges, Hanna, Pinson, Storch and Ward.

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

On motion of Delegate Capito, the amendment was amended, on page 6, section 6, line 45, by striking the words “substantially relates to” and inserting in lieu thereof the words “arises from”.

And

On page 6, section 6, line 48, by striking the words “are substantially relating to” and inserting in lieu thereof the words “arise from”.

The Committee on Government Organization amendment, as amended, was then adopted.

The bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 26**), 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: Butler, Dillon and Kirby.

Absent and Not Voting: Bridges, Pinson, Storch and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 128) passed.

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

**S. B. 128** – “A Bill to amend and reenact §15-5-2 and §15-5-6 of the Code of West Virginia, 1931, as amended, all relating to the authority and obligations of the Governor and Legislature when in a declared state of preparedness and state of emergency; providing requirements for any proclamation or resolution issued relating to a state of preparedness or state of emergency; specifying new criteria for the duration and termination of a state of preparedness and state of emergency; clarifying the Legislature’s authority to modify a state of preparedness or state of emergency; providing for the extension of a state of emergency and state of preparedness by concurrent resolution of the Legislature and

specifying the duration of such extensions; specifying new criteria for the duration of the state of preparedness or state of emergency when any subsequent proclamation substantially relates to the same circumstances causing the issuance of the proclamation; specifying new criteria for the duration of the state of preparedness or state of emergency when a state of emergency follows a state of preparedness and they are substantially related to the same circumstances; defining terms; clarifying the emergency powers available to the Governor under a state of preparedness and a state of emergency; clarifying general terms required in a state of preparedness or state of emergency; and providing directives for lawsuits filed challenging actions taken pursuant to the authority granted herein.”

**H. B. 2310**, Provide the Division of Motor Vehicles authority to develop an “Antique Fleet” program so that multiple antique motor vehicles may utilize a single registration plate; 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. 27**), and there were—yeas 90, nays 3, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: McGeehan, Pushkin and Young.

Absent and Not Voting: Bridges, Cooper, Hardy, Mazzocchi, Pinson, Storch and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2310) passed.

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

**H. B. 2564**, Repeal of administrative hearing procedures for DUI offenses; 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. 28**), 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, Clark, Cooper, Hardy, Mazzocchi, Pinson, Storch and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2564) passed.

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

**H. B. 2602**, Reestablishing certain specialized school service personnel classifications; 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. 29**), 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: Bridges, Cooper, Hardy, Mazzocchi, Pinson, Storch and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2602) passed.

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

On this question, the yeas and nays were taken (**Roll No. 30**), 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, Cooper, Fluharty, Hardy, Mazzocchi, Pinson, Storch 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. 2602) 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.

**S. B. 128** still being in possession of the Clerk, Delegate Householder was recognized, and in the absence of objection, moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 31**), and there were—yeas 90, nays 1, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Dillon.

Absent and Not Voting: Bridges, Cooper, Fluharty, Hardy, Linville, Mazzocchi, Pinson, Storch and Ward.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 128) takes effect from its passage.

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

### **Second Reading**

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

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

**Com. Sub. for H. B. 2757**, Relating to amending eligibility for the West Virginia Invests program, providing that a not-for-profit hospital based allied health program is eligible for the West Virginia Invests Program,



**H. B. 2776**, Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act,

And,

**H. B. 2777**, Updating federal taxable income and other terms in the West Virginia Corporation Net Income Tax Act.

### **First Reading**

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

**H. B. 2113**, Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse,

**H. B. 2171**, Removing obsolete provisions regarding DOH standards for studded tires and chains,

And,

**H. B. 2531**, Requiring cooperation between the rail company and the Division of Highways when construction or maintenance activities are conducted by the company.

### **Leaves of Absence**

At the request of Delegate Householder, and by unanimous consent, leaves of absence for the day were granted Delegates Bridges, Storch and Ward.

### **Miscellaneous Business**

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

**H. B. 2008**: Delegate Mazzocchi;

**H. B. 2038**: Delegate Fast;

**H. B. 2077**: Delegate Ridenour;

**H. B. 2189:** Delegates Kimble and Phillips;

**H. B. 2221:** Delegates Garcia, Hillenbrand, Kelly, Kump, Shamblin and Steele;

**H. B. 2251:** Delegates Foster and Kump;

**H. B. 2390:** Delegate Fast;

**H. B. 2497:** Delegate Fast;

**H. B. 2498:** Delegate Fast;

**H. B. 2500:** Delegate Fast;

**H. B. 2538:** Delegate Kimble;

**H. B. 2539:** Delegate Espinosa;

**H. B. 2542:** Delegate Dillon;

**H. B. 2611:** Delegate Espinosa;

**H. B. 2937:** Delegate Kump;

And,

**H. B. 2943:** Delegate Kump.

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

**H. B. 2008:** Delegate Kump.

At 1:16 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, January 25, 2023.

---

Wednesday, January 25, 2023

**FIFTEENTH 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, January 24, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

Delegate Barnhart, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 2611) was referred to the Committee on the Judiciary.

Delegate Barnhart, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

**H. B. 2539**, Relating to Delivery Network Company,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2539) was referred to the Committee on the Judiciary.

Delegate Nestor, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 2696**, Authorizing the Department of Agriculture to promulgate a legislative rule relating to West Virginia apiary rule,

**H. B. 2697**, Authorizing the Department of Agriculture to promulgate a legislative rule relating to schedule of charges for inspection services: fruit,

**H. B. 2698**, Authorizing the Department of Agriculture to promulgate a legislative rule relating to noxious weeds rule,

**H. B. 2699**, Authorizing the Department of Agriculture to promulgate a legislative rule relating to Grade "A" pasteurized milk,

**H. B. 2700**, Authorizing the Agriculture Commissioner to promulgate a legislative rule relating to inspection of nontraditional, domesticated animals,

**H. B. 2701**, Authorizing the Department of Agriculture to promulgate a legislative rule relating to hemp products,

**H. B. 2702**, Authorizing the Department of Agriculture to promulgate a legislative rule relating to livestock care standards,

**H. B. 2703**, Authorizing the Department of Agriculture to promulgate a legislative rule relating to farm to food bank tax credit,

**H. B. 2704**, Authorizing the Department of Agriculture to promulgate a legislative rule relating to farmers markets,

**H. B. 2708**, Authorizing the Conservation Agency to promulgate a legislative rule relating to operation of West Virginia State Conservation Committee and conservation districts,

**H. B. 2709**, Authorizing the Conservation Agency to promulgate a legislative rule relating to conservation district accounting and auditing standards,

**H. B. 2746**, Authorizing the Division of Natural Resources to promulgate a legislative rule relating to hunting, fishing, and other outfitters and guides,

**H. B. 2747**, Authorizing the Division of Natural Resources to promulgate a legislative rule relating to commercial whitewater outfitters,

**H. B. 2748**, Authorizing the Division of Natural Resources to promulgate a legislative rule relating to special motorboating regulations,

And,

**H. B. 2749**, Authorizing the Division of Natural Resources to promulgate a legislative rule relating to miscellaneous permits and licenses,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2696, H. B. 2697, H. B. 2698, H. B. 2699, H. B. 2700, H. B. 2701, H. B. 2702, H. B. 2703, H. B. 2704, H. B. 2708, H. B. 2709, H. B. 2746, H. B. 2747, H. B. 2748 and H. B. 2749) were each referred to the Committee on the Judiciary.

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

Your Committee on Energy and Manufacturing has had under consideration:

**H. B. 2896**, Relating to making West Virginia an Agreement State with the U. S. Nuclear Regulatory Commission,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2896) was referred to the Committee on the Judiciary and then to the Committee on Finance.

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

Your Committee on Energy and Manufacturing has had under consideration:

**H. B. 2640**, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources,

**H. B. 2642**, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants,

And,

**H. B. 2643**, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of ozone season nitrogen oxides emissions,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2640, H. B. 2642 and H. B. 2643) were each referred to the Committee on the Judiciary.

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

Your Committee on Energy and Manufacturing has had under consideration:

**H. B. 2641**, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements for operating permits,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2641) was referred to the Committee on the Judiciary.

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

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

**H. B. 2854**, Relating to priorities for the use of funds for child-care and performance-based contracting,

And,

**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,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2854 and H. B. 2917) were each referred to the Committee on Finance.

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

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

**H. B. 2660**, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to family child care home registration requirements,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2660) was referred to the Committee on the Judiciary.

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

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

**H. B. 2648**, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to procedures pertaining to the Dangerousness Assessment Advisory Board,

**H. B. 2649**, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to standards for local boards of health,

**H. B. 2650**, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical examiner requirements for postmortem inquiries,



**H. B. 2651**, Authorizing the Department of Health and Human Services to promulgate a legislative rule relating to Medical Cannabis Program - grower and processors,

**H. B. 2652**, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Medical Cannabis Program - dispensaries,

**H. B. 2653**, Authorizing the Health Care Authority to promulgate a legislative rule relating to financial disclosure,

**H. B. 2654**, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Uniform Bill Database,

**H. B. 2655**, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the development of methodologies to examine needs for substance use disorder treatment facilities within the state,

**H. B. 2656**, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Core Behavioral Health Crisis Services System,

**H. B. 2657**, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to child care centers licensing,

**H. B. 2658**, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to minimum licensing requirements for residential childcare and treatment facilities for children and transitioning adults and vulnerable and transitioning youth group homes and programs in West Virginia,

**H. B. 2659**, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to family child care facility licensing requirements,

**H. B. 2661**, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to informal and relative family child care home registration requirements,

**H. B. 2662**, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to out-of-school-time child care center licensing requirements,

**H. B. 2663**, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to goals for foster children,

**H. B. 2664**, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to deemed head start child care center licenses,

And,

**H. B. 2665**, Authorizing the Department of Health and Human Resources and the Insurance Commissioner to promulgate a legislative rule relating to All-Payers Claims Database - Submission Manual,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2648, H. B. 2649, H. B. 2650, H. B. 2651, H. B. 2652, H. B. 2653, H. B. 2654, H. B. 2655, H. B. 2656, H. B. 2657, H. B. 2658, H. B. 2659, H. B. 2661, H. B. 2662, H. B. 2663, H. B. 2664 and H. B. 2665) were each referred to the Committee on the Judiciary.

### **Messages from the Executive**

#### **and Other Communications**

The following communication from the Citizens Legislative Compensation Commission was reported by the Clerk:

### **Resolution Submitting Recommendations with Respect to Compensation and Expense Allowances**

**Adopted January 23, 2023**

**Whereas**, the Citizens Legislative Compensation Commission met pursuant to the call of its chairperson in Charleston, West Virginia, on January 23, 2023; and,

**Whereas**, the Citizens Legislative Compensation Commission is charged under the West Virginia Constitution with the responsibility of establishing by resolution submitted to the Legislature its determination of compensation and expense allowances for members of the Legislature;

**Now, therefore, be it resolved**, by the Citizens Legislative Compensation Commission, at least five of the seven members of the Commission having concurred therein, that the compensation and expense allowances of members of the Legislature are hereby determined as follows:

1. That each member of the Legislature shall receive an amount equal to the per capita income in West Virginia, rounded down to the nearest \$1,000, effective with the legislative session beginning in January, 2025; and
2. That each member of the Legislature shall receive compensation for duty days and interim meeting of \$250 per day, effective with the legislative session beginning in January, 2025; and
3. That each non-commuting member of the Legislature shall receive expense reimbursement of \$200 per day, effective with the legislative session beginning in January, 2025; and
4. That each commuting member of the Legislature shall receive expense reimbursement of \$85 per day; and
5. That each presiding officer, each chairperson of the committees on Finance and Judiciary, and up to six members from each house named by the pressing officer shall be authorized to receive duty day compensation and reimbursement of expenses when such members are not otherwise receiving compensation for regular or extraordinary session or interim meeting, effective with the legislative session beginning in January, 2025; and

6. That each member of the Legislature shall receive interim compensation on all interim days, rather only those interim days on which the member has a scheduled interim meeting, effective with the legislative session beginning in January, 2025; and

**Be it further resolved,** That the compensation and expense allowances of members of the Legislature not specially addressed in this resolution shall remain the same.

Witness the following signature of the designated chairman of the Citizens Legislative Compensation Commission:

Mike Hall, Chairman

A communication from His Excellency, the Governor, advised that on January 24, 2023, he approved **S. B. 161** and **S. B. 162**.

### **Messages from the Senate**

A message from the Senate, by

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

**Com. Sub. for S. B. 10** – “A Bill to amend and reenact §18B-1-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-1B-4 of said code; to amend and reenact §18B-2A-4 of said code; to amend and reenact §18B-2B-6 of said code; and to amend said code by adding thereto a new section, designated §18B-4-5b, all relating generally to carrying concealed pistol or revolver; regulating the carrying of a concealed pistol or revolver by a person who holds a current license to carry a concealed deadly weapon on the property of a public institution of higher education; authorizing the carrying of concealed pistols or revolvers under certain circumstances and in certain areas on the grounds of an institution of higher education; eliminating authority of the Higher Education Policy Commission, the Council for Community and Technical College Education, and the institutional boards of governors to restrict or regulate the carrying of concealed pistols or revolvers in certain circumstances in or on areas of an institution of higher

education; requiring institutions to provide storage space for concealed pistols and revolvers; designating these amendments as the Campus Self-defense Act; expressing legislative intent; and creating an internal effective date of July 1, 2024”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**S. B. 207** – “A Bill to amend and reenact §5B-2-4a of the Code of West Virginia, 1931, as amended, relating to the state allocation of funding to regional councils; and eliminating the maximum state allocation allowed to each eligible regional council”; which was referred to the Committee on Economic Development and Tourism.

A message from the Senate, by

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

**S. B. 231** – “A Bill to amend and reenact §5B-8-1 of the Code of West Virginia, 1931, as amended, relating to transferring the administration of the West Virginia Small Business Innovation Research (SBIR) and Small Business Technology Transfer (SBTT) Matching Funds Program from the Department of Commerce to the Department of Economic Development, including, but not limited to, the authority to propose legislative rules for promulgation.”

At the request of Delegate Jeffries, and by unanimous consent, the bill was taken up for immediate consideration, read a first time and ordered to second reading.

### **Resolutions Introduced**

The following resolutions were introduced and severally referred as follows:

**By Delegate Rowe:**

**H. C. R. 9** – “Requesting the Division of Highways name bridge number 20-060/00-036.42 (20A161), (38.21924, - 81.42685) locally known as US 60 KELLY CREEK BRIDGE, carrying US 60 over KELLY CREEK in Kanawha county, the ‘U. S. Army PFC Walter C. Horner Memorial Bridge’”; to the Committee on Rules.

And,

**By Delegate Rowe:**

**H. C. R. 10** – “Requesting the Division of Highways name a portion of Cabin Creek Road, County Route 79/3, beginning immediately east of the intersection of Cabin Creek Road and Nevada Street at Ohley and ending immediately north of the intersection of Cabin Creek Road and Eskdale Avenue at Eskdale in Kanawha County as the ‘Shelby “Cubby” Foster and Robert “Robbie” Collins Memorial Road’”; to the Committee on Rules.

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

**By Delegates Holstein, Forsht and Steele:**

**H. J. R. 18** – “Proposing an amendment to the Constitution of the State of West Virginia amending section 1b, article X thereof, relating to exempting honorably discharged veterans of the Armed Forces of the United States who have been determined to have a one hundred percent or lesser disability from ad valorem property taxation on the full amount of assessed value of a primary residence and all personal property; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

And,

**By Delegate Foster:**

**H. J. R. 19** – “Proposing an amendment to the Constitution of the State of West Virginia, amending section four, article VII thereof, relating to preventing any individual from serving in the

office of Secretary of State, Auditor, State Treasurer, Commissioner of Agriculture, or Attorney General for more than three consecutive terms; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

### **Bills Introduced**

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

**By Delegates Espinosa, Ridenour, Householder, Hardy, Clark, Criss, Hite, Horst, Hanshaw (Mr. Speaker), Hornby and Summers:**

**H. B. 3013** - “A Bill to amend and reenact §7-22-9 of the Code of West Virginia, 1931, as amended, relating to authorizing the Jefferson County Commission to levy a special district excise tax; authorizing the special district excise tax for the benefit of the Hill Top House Hotel Economic Opportunity District; and setting forth the land area within the special district subject to the special district excise tax”; to the Committee on Finance.

**By Delegate Young:**

**H. B. 3014** - “A Bill to amend and reenact §15A-4-13 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §28-5C-3; and to amend and reenact §49-2-906 of said code, all relating to requiring that free feminine hygiene products be provided to female prisoners in jails, regional jails or state correctional facilities and female juveniles in juvenile detention”; to the Committee on the Judiciary then Finance.

**By Delegate Young:**

**H. B. 3015** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-11-1, §5B-11-2, §5B-11-3, and §5B-11-4, all relating to creating the ‘Food Pantry Assistance Grant Program;’ providing legislative findings and definitions; and, in connection therewith, authorizing an allocation of money the state receives from the federal coronavirus relief fund”; to the Committee on Finance.

**By Delegate Young:**

**H. B. 3016** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-66-1, establishing the food desert program under the Department of Agriculture”; to the Committee on Agriculture and Natural Resources then Government Organization.

**By Delegate Young:**

**H. B. 3017** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-66-1, relating to establishing the food waste task force”; to the Committee on Health and Human Resources then Government Organization.

**By Delegate Young:**

**H. B. 3018** - “A Bill to repeal §48-2-103 of the Code of West Virginia, 1931, as amended; and to amend and reenact §48-2-106 and §48-2-301, all related to establishing that 18 is the age of consent and removing the ability of an underage person to obtain consent to marry through their parents, legal guardians, or by petition to the circuit court”; to the Committee on the Judiciary.

**By Delegate Young:**

**H. B. 3019** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-40b; and to amend and reenact §18B-1B-7 of said code, all relating to student suicide prevention; requiring suicide prevention phone numbers be printed on student identification cards for students in grades 6-12 in public schools that issue student identification cards; and requiring suicide prevention phone numbers be printed on student identification cards for students in a public or private institution of higher education that issues student identification cards”; to the Committee on Education then Finance.

**By Delegate Young:**

**H. B. 3020** - “A Bill to amend and reenact §3-2-3 of the Code of West Virginia, 1931, as amended, relating to registration of voters, and requiring the Secretary of State to utilize the Electronic Registration Information Center”; to the Committee on Government Organization then the Judiciary.



**By Delegate Young:**

**H. B. 3021** - “A Bill to amend and reenact §18-5-44 of the Code of West Virginia, 1931, as amended, relating to expanding permissive early childhood education programs to children who are three years old beginning in the 2024-2025 school year; providing counties with the authority to implement three-year-old early childhood education programs; and clarifying that the state board rules should take into consideration curriculum appropriate for three-year-old children in such programs”; to the Committee on Education then Finance.

**By Delegate Young:**

**H. B. 3022** - “A Bill to amend and reenact §49-2-121 of the Code of West Virginia, 1931, as amended, relating to rule-making by the Secretary of the Department of Health and Human Resources; and requiring a rule for child subsidies to be based on monthly enrollment rather than daily attendance”; to the Committee on Health and Human Resources then Finance.

**By Delegate Longanacre:**

**H. B. 3023** - “A Bill to amend and reenact § 11-14-3 of the Code of West Virginia, 1931, as amended, reducing the gasoline excise tax by 50 percent for West Virginia residents”; to the Committee on Technology and Infrastructure then Finance.

**By Delegate Young:**

**H. B. 3024** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-21-1, §18B-21-2, §18B-21-3, §18B-21-4, §18B-21-5, and §18B-21-6, all relating to creating the Hunger Free Campus Act; providing for a short title; enacting the act and providing for a legislative purpose; providing qualifications for campuses to be designated as ‘Hunger-Free’ zones; giving a reporting requirement; appropriating money; and providing for an effective date”; to the Committee on Education then Finance.

**By Delegate Foster:**

**H. B. 3025** - “A Bill to amend and reenact §15-2B-2, §15-2B-3, §15-2B-5, §15-2B-6, §15-2B-9, and §15-2B-11 of the Code of West Virginia, 1931, as amended, all relating to DNA that is

maintained for law-enforcement purposes in West Virginia; providing updates for the policy of maintaining DNA; requiring DNA testing of all persons convicted of felonies and certain misdemeanors; updating definitions; adding language to further define and include qualified arrestees in the state DNA database; requiring testing of qualified arrestees on intake; specifying testing methods; authorizing emergency and requiring legislative rules; specifying expungement for qualified arrestees in certain circumstances; and providing failure to expunge or reasonable delay in expungement will not invalidate an identification, warrant, probable cause to arrest or arrest based upon a database match”; to the Committee on the Judiciary.

**By Delegates Ross, Mallow, Burkhammer, Marple, Devault, Adkins and Dillon:**

**H. B. 3026** - “A Bill to amend and reenact §8-15-5 of the Code of West Virginia, 1931, as amended, relating to permitting volunteer firefighters to participate at fire scenes; and limiting on scene tasks to volunteer fire company cadets”; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

**By Delegates Ross, Chiarelli, Marple, Devault, Adkins and Dillon:**

**H. B. 3027** - “A Bill to amend and reenact §16-4C-8 of the Code of West Virginia, 1931, as amended, relating to removing the requirement for emergency medical technicians (‘EMTs’) to be nationally certified”; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

**By Delegates Ross, Dillon and Chiarelli:**

**H. B. 3028** - “A Bill to amend and reenact §18A-4-10 of the Code of West Virginia, 1931, as amended, relating to classroom teacher personal leave”; to the Committee on Pensions and Retirement then Finance.

**By Delegate Longanacre:**

**H. B. 3029** - “A Bill to amend and reenact §18-4-1 of the Code of West Virginia, 1931, as amended, relating to pertaining to requiring all County School Superintendents in all counties in WV

shall be elected by the voters of their respective counties for four-year terms”; to the Committee on the Judiciary.

**By Delegate Young:**

**H. B. 3030** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5J-1, §21-5J-2, §21-5J-3, §21-5J-4, §21-5J-5, §21-5J-6, §21-5J-7, §21-5J-8, §21-5J-9, and §21-5J-10, all relating to creating a paid parental leave pilot program; providing findings and purpose; definitions; paid parental leave and requirements for claiming benefits; requiring employer to continue group health insurance coverage for employee; employment benefits and seniority position upon return from leave; benefits not to accrue during period of leave; employers required to respond to survey to Department of Labor; requiring department to report to Joint Committee on Government Organization; authorizing emergency rulemaking authority; and providing December 31, 2026, sunset”; to the Committee on Banking and Insurance then Finance.

**By Delegates Kirby, Longanacre, Brooks, E. Pritt, Toney, Butler, Thorne, Chiarelli, Pinson, Steele and Foster:**

**H. B. 3031** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12n; to amend and reenact §19-23-3, §19-23-7, §19-23-10, §19-23-12b, §19-23-13, and §19-23-13c of said code; to amend said code by adding thereto a new section, designated §19-23-10a; to amend and reenact §29-22-18a of said code; to amend and reenact §29-22A-3, §29-22A-7, §29-22A-10, §29-22A-10b, §29-22A-10d, §29-22A-10e, and §29-22A-12 of said code; and to amend and reenact §29-22C-3, §29-22C-8, §29-22C-10, §29-22C-27, and §29-22C-27a of said code, all relating generally to horse and dog racing lottery; modifying certain definitions; discontinuing the West Virginia Racing Commission special account known as the West Virginia Greyhound Breeding Development Fund; transferring all moneys in the West Virginia Greyhound Breeding Development Fund to the State Excess Lottery Revenue Fund for appropriation by the Legislature; requiring that upon transfer of moneys from the West Virginia Greyhound Breeding Development Fund to the State Excess Lottery Revenue Fund, a certain amount

be withheld and deposited in the special account known as the Administration, Promotion, Education, Capital Improvement and Greyhound Adoption Programs to include Spaying and Neutering Account; requiring that all moneys previously required to be directed to the West Virginia Greyhound Breeding Development Fund be redirected to the State Excess Lottery Revenue Fund for appropriation by the Legislature; requiring that all moneys previously required to be directed into any fund or paid for the purposes of funding purses, awards, or providing any other funding for greyhound races to be redirected to the State Excess Lottery Revenue Fund for appropriation by the Legislature; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates to qualify for such a license; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates to contract to receive telecasts and accept wagers; providing that a dog racetrack is required to hold a racing license to conduct simulcast racing regardless of whether the racetrack continues to conduct live dog racing; authorizing the West Virginia Racing Commission to promulgate rules, including emergency rules, regarding licensure of dog racetracks conducting only simulcast racing; eliminating the requirement that a video lottery licensee at a dog track must hold a racing license to renew a video lottery license or racetrack table games license; requiring the Lottery Commission to transfer a percentage of gross terminal revenue derived from racetrack video lottery at thoroughbred tracks, and deducted for administrative costs and expenses, to the Racing Commission's General Administrative Account; eliminating the requirement that an applicant for a video lottery license or license renewal at a dog racetrack must provide evidence of the existence of an agreement regarding proceeds from video lottery terminals with certain parties; providing that a percentage of net terminal income originating at thoroughbred racetracks will be deposited in the West Virginia Thoroughbred Development Fund; permitting a dog racetrack to continue to operate operational video lottery and racetrack table games in a location where live racing was previously conducted; eliminating the requirement that a racetrack table games licensee at a dog racetrack must race a minimum number of dates; providing a one-time credit toward personal income taxes for the adoption of displaced greyhounds;

and requiring that a certain amount of money be withheld and deposited into a special revenue account known as the Displaced Workers Employment Retraining Fund to assist with the retraining of workers directly impacted by the termination of greyhound racing”; to the Committee on the Judiciary then Finance.

**By Delegate Linville:**

**H. B. 3032** - “A Bill to amend and reenact §17E-1-9 of the Code of West Virginia, 1931, as amended, relating to increasing the validity of a commercial driver's license instruction permit”; to the Committee on Technology and Infrastructure.

**By Delegate Young:**

**H. B. 3033** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4, §5-30-5, and §5-30-6, all relating to establishing the Intergenerational Poverty Task Force; giving criteria for members; establishing duties for the task force; providing for the power of the task force; creating a report to be submitted to the Joint Committee on Government and Finance; and creating a termination date”; to the Committee on Government Organization.

**By Delegate Young:**

**H. B. 3034** - “A Bill to amend and reenact §17B-2-15 of the Code of West Virginia, 1931, as amended, relating to authorizing the commissioner to promulgate a legislative rule to develop a driver’s license permit process for parolees under supervision by the West Virginia Division of Corrections and parole services”; to the Committee on Jails and Prisons then the Judiciary.

**By Delegates Hanshaw (Mr. Speaker) and Skaff  
[By Request of the Executive]:**

**H. B. 3035** - “A Bill to amend and reenact §18-2E-10 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-2E-13; to amend and reenact §18-5-18a of said code; to amend and reenact §18-9A-5 of said code; and to amend said code by adding thereto a new section, designated §18A-5-9, all relating to high-quality education programs and school operations, generally; adding legislative

findings; adding mathematics requirements in kindergarten through third grade; developing the science of reading instructions to implement in classroom education; requiring the use of the early learning reporting system for Pre-K; requiring the use of benchmark assessments and/or screeners for kindergarten through third grade in reading and mathematics; emphasizing a system of support for students that demonstrate nonproficiency in reading or mathematics; assisting county boards of education in implementing the science of reading education; maximizing family engagement in classes from birth to third grade through required communication with parents or guardians regarding education proficiency; establishing standards to better equip teachers with training and evidence-based materials so they may better address student needs; ensuring that educator preparation programs prepare candidates seeking licensure for elementary education with training and instruction so that they may meet new education goals and standards; establishing that legislative appropriations shall be used for the implementation of new standards for providing high-quality education; ensuring that children who exhibit nonproficiency on the West Virginia General Summative Assessment relative to the West Virginia College career and Readiness Standards at the end of third grade shall repeat the third grade upon the recommendation of the teacher and the student assistance team; establishing the Grow Your Own West Virginia Pathway to Teaching Program; establishing that the West Virginia Board of Education shall promulgate rules to govern the program and grant funds; requiring early childhood classroom assistant teacher in certain grade levels and enrollment levels in said grade levels; removing outdated provisions; increasing ratios of service personnel per student net enrollment in state basic foundation program; requiring early childhood classroom assistant teachers exercise authority and control over students in certain instances and within certain limits; prohibiting assignment of noninstructional duties to early childhood classroom assistant teacher in excess of contractual requirements unless mutually agreed upon; and requiring in-services training for early childhood classroom assistant teachers on responsibilities and appropriate measures for exercising authority and control over students”; to the Committee on Education then Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff****[By Request of the Executive]:**

**H. B. 3036** - “A Bill to amend and reenact §5B-2L-14 and §5B-2L-16 of the Code of West Virginia, 1931, as amended, all relating to the increasing the number of districts and the limit on approved costs under the BUILD WV Act”; to the Committee on Economic Development and Tourism then Finance.

**By Delegate Longanacre:**

**H. B. 3037** - “A Bill to amend and reenact §3-5-6 of the Code of West Virginia, 1931, as amended, relating to establishing partisan elections for county board of education members”; to the Committee on the Judiciary.

**By Delegates Pinson, Westfall, Fast, W. Hall, Kirby, Foggin, Honaker, Coop-Gonzalez, Ridenour, Kelly and Hott:**

**H. B. 3038** - “A Bill to amend and reenact §17C-5-2 of the Code of West Virginia, 1931, as amended, relating to driving a motor vehicle in an impaired state under the influence of alcohol, controlled substances, or drugs causing death or serious bodily injury to any person or an to unborn fetus; providing definition; creating the felony offense of driving in an impaired state causing death to an unborn fetus; establishing criminal penalties; and increasing the penalties for driving under the influence causing death; creating the felony offense of driving in an impaired state causing serious bodily injury to an unborn fetus; establishing penalties; and increasing penalties for driving in an impaired state causing serious bodily injury”; to the Committee on the Judiciary.

**By Delegates Hanshaw (Mr. Speaker) and Skaff****[By Request of the Executive]:**

**H. B. 3039** - “A Bill making a supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to Miscellaneous Boards and Commissions, Adjutant General – State Militia, fund 0433, fiscal year 2023, organization 0603, by supplementing and amending the

appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff  
[By Request of the Executive]:**

**H. B. 3040** - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Office of the Secretary, fund 0186, fiscal year 2023, organization 0201, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

**By Delegate Young:**

**H. B. 3041** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-22-1, §55-22-2, §55-22-3, §55-22-4, §55-22-5, §55-22-6, §55-22-7, §55-22-8, §55-22-9, and §55-22-10, all relating to permitting civil remedies for the unauthorized disclosure of intimate images; providing for a short title; defining terms; providing for a civil action; providing exceptions to liability; providing for plaintiff’s privacy; providing for remedies; creating a statute of limitations; providing for construction; providing for uniformity of application and construction; and addressing the effective date”; to the Committee on the Judiciary.

**By Delegates Pinson, Crouse, Foster, C. Pritt, Fast, Ridenour, Burkhammer, Kirby, Mallow, Worrell and Martin:**

**H. B. 3042** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §35-1A-1, §35-1A-2, and §35-1A-3, all relating to forbidding excessive government limitations on exercise of religion; providing definitions; forbidding government from treating religious conduct more restrictively than any conduct of reasonably comparable risk; forbidding government from treating religious conduct more restrictively than comparable conduct because of alleged economic need or benefit; ensuring that, in all cases where state action is alleged to substantially burden the exercise of religion, that a



compelling interest test is mandated, and strict scrutiny is applied; providing remedies; addressing applicability, construction, and severability”; to the Committee on the Judiciary.

**By Delegates Miller, Mallow, Nestor, Zatezalo, Honaker, Reynolds, Crouse, Devault, Jennings and Barnhart:**

**H. B. 3043** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-4-18, relating to requiring blood draws from a driver involved in a motor vehicle accident causing bodily injury, physical injury, or serious bodily injury in order to determine impairment; to require black boxes on motor vehicles involved in accidents involving injury to be examined in order to determine the speed of the driver; and providing for an effective date”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Gearheart, Householder, Criss, Hardy, Espinosa, Storch, Smith, Nestor, Zatezalo, Maynor and Ellington:**

**H. B. 3044** - “A Bill to amend and reenact §29-22B-1103 of the Code of West Virginia, 1931, as amended, relating to the annual fee for limited video lottery terminal permits; establishing criteria for reduced annual fee for video lottery terminals; requiring West Virginia Lottery to determine which permit holders qualify for reduced annual permit fees and amount thereof; and making technical changes”; to the Committee on Finance.

**By Delegate Dillon:**

**H. B. 3045** - “A Bill to amend and reenact §18-2E-8g of the Code of West Virginia, 1931, as amended, relating to establishing a temporary emergency certification for currently certified professional teachers wishing to obtain certification or endorsement in agriculture education”; to the Committee on Education.

**By Delegate Dillon:**

**H. B. 3046** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-43, relating to the creation of the Fast Track for Agriculture Education Endorsement Program”; to the Committee on Education.

**By Delegates Dillon and Dean:**

**H. B. 3047** - “A Bill to amend and reenact §18-5-18a of the Code of West Virginia, 1931, as amended, relating to requiring the state Board of Education to establish clear and reasonable policy regarding equivalent ratios for self-contained special education or exceptional classrooms”; to the Committee on Education.

**By Delegates Dillon, Chiarelli and Crouse:**

**H. B. 3048** - “A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended, relating to removing the reporting of assessments and portfolio reviews to county boards of home schooled children”; to the Committee on Education.

**By Delegate Holstein:**

**H. B. 3049** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-2D-1, relating to establishing the American Campuses Act; prohibiting foreign missions of China to state higher education institutions; prohibiting involvement with Communist Chinese recruitment and propaganda programs; and setting forth reporting requirements for state institutions of higher education”; to the Committee on Education.

**By Delegates Dillon and Ross:**

**H. B. 3050** - “A Bill to amend and reenact §18A-2-2 of the Code of West Virginia, 1931, as amended, relating to removing any requirement that West Virginia public educators be required or coerced into completing additional college credits beyond those required for successful initial teacher certification through the West Virginia Department of Education”; to the Committee on Education.

**By Delegate Foster:**

**H. B. 3051** - “A Bill to repeal §8-13-5 of the Code of West Virginia, 1931, as amended, relating to the business and occupation or privilege tax”; to the Committee on Finance.

**By Delegate Young:**

**H. B. 3052** - “A Bill to amend and reenact §31-15-3 of the Code of West Virginia, 1931, as amended, relating to the West

Virginia Economic Development Authority; creating a small business and minority populations economic and workforce development taskforce to assist the Director of the Economic Development Authority in developing and implementing a procedure to address employment, labor force participation, and economic development problems of small business and low income and minority populations of West Virginia; and developing a pilot project that can be used as a model to promote the growth and development of small business to increase employment and labor force participation across West Virginia”; to the Committee on Economic Development and Tourism then Government Organization.

**By Delegate Young:**

**H. B. 3053** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5D-2-1, §5D-2-2, §5D-2-3, §5D-2-4, and §5D-2-5, all relating to establishing a Legislative Commission on Energy Storage Resources; declaring legislative findings and a statement of purpose; creating the commission as an advisory body to the Legislature; providing for administrative services to the commission; listing membership; providing compensation and reimbursement for expenses of members; establishing the powers and duties of the commission; requiring reports to the Legislature; and setting a sunset date for the termination of the commission”; to the Committee on Energy and Manufacturing then Government Organization.

**By Delegate Young:**

**H. B. 3054** - “A Bill to amend and reenact §18-2-40 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18B-1B-7 of said code, all relating to student suicide prevention; requiring suicide prevention phone numbers be printed on student identification cards for students in grades 6-12 in public schools that issue student identification cards; and requiring suicide prevention phone numbers be printed on student identification cards for students in a public or private institution of higher education that issues student identification cards”; to the Committee on Education.

**By Delegates Willis, Foster, Foggin, Chiarelli, Heckert, Storch, Young, Sheedy, Hornbuckle, Reynolds and Ellington:**

**H. B. 3055** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2E-13, relating to the creation of a vocational math class”; to the Committee on Education.

**By Delegates Riley, Linville, Heckert, Mallow, Devault, Ferrell, Statler, Vance, Willis and Warner:**

**H. B. 3056** - “A Bill to amend and reenact §17C-1-6 of the Code of West Virginia, 1931, as amended, relating to modifying EMS agency vehicle inspections from occurring every year to occurring every other year”; to the Committee on Fire Departments and Emergency Medical Services then Technology and Infrastructure.

**By Delegate Hansen:**

**H. B. 3057** - “A Bill to amend and reenact §22-1-17 of the Code of West Virginia, 1931, as amended, and to amend and reenact §22-3-11 of said code, all relating to revising surface mining reclamation requirements; revising requirements for special reclamation fund account reviews; revising mining bonding requirements to require the bond be set for actual reclamation costs; creating conditions and limitations upon certain bonding companies to assure viability of the special reclamation fund; requiring coordination between the tax department and the department of environmental protection to assure accuracy in reporting and correct payments into the surface mining special reclamation fund; and requiring that mining operations keep payments to the special reclamation fund current as a condition for receiving and retaining a mining permit”; to the Committee on Energy and Manufacturing then Finance.

**By Delegates Street, Chiarelli, Hillenbrand, Ridenour, Cooper, W. Hall, Phillips, Butler, Keaton, Kimble and Maynor:**

**H. B. 3058** - “A Bill to amend and reenact §15-1B-23 of the Code of West Virginia, 1931, as amended, relating to requiring the Adjutant General of the National Guard to pay local chapters of the

Veterans of Foreign Wars for conducting military funerals for any branch of the military of the United States; and limiting amount paid”; to the Committee on Veterans' Affairs and Homeland Security then Finance.

**By Delegates Reynolds, Dean, Bridges, Linville, Worrell, Willis, Honaker, Zatezalo, Barnhart, Riley and Burkhammer:**

**H. B. 3059** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §24-2G-1, §24-2G-2, §24-2G-3, §24-2G-4, §24-2G-5, §24-2G-6, §24-2G-7, §24-2G-8, §24-2G-9, §24-2G-10, §24-2G-11, §24-2G-12, §24-2G-13, §24-2G-14, §24-2G-15, §24-2G-16, §24-2G-17, §24-2G-18, §24-2G-19, §24-2G-20, §24-2G-21, §24-2G-22, §24-2G-23, §24-2G-24, §24-2G-25, §24-2G-26, §24-2G-27, §24-2G-28, §24-2G-29, §24-2G-30, §24-2G-31, §24-2G-32, §24-2G-33, §24-2G-34, §24-2G-35, §24-2G-36, §24-2G-37, §24-2G-38, §24-2G-39, §24-2G-40, and §24-2G-41, all relating to railroad powers of the Public Service Commission; providing a definition; clarifying regulation of service applicable to railroads; providing exceptions; allowing for inquiries into management of railroads and investigation into violations of interstate commerce law; allowing for inquiries into neglect or violations of law; authorizing examinations and production of books and papers; providing for forfeiture for refusal to comply with subpoena; requiring annual statement to commission and identification of officers and directors; requiring disclosure to commission of certain leases, contracts, and agreements, including transportation contracts; providing a prohibition against directing a violation of law; creating a duty to report certain accidents and provide adequate service and facilities; requiring filing of schedules, joint rates, and changes in schedules; directing that charges conform to schedule; requiring maintenance of depots, switches, and sidetracks; recognizing commission's authority over private tracks; requiring proper facilities for interchange of traffic; prohibiting unlawful preference; authorizing commission to regulate dangerous structures; creating a duty to repair defective track; providing for forfeiture for noncompliance; addressing installation and regulation of crossing signals; providing for expenses associated with dangerous crossings;

allowing for the regulation of safety devices at grade crossings; providing for forfeiture for noncompliance with commission order; allowing claims for damages and an immediate trial; providing for counsel for the commission; providing for forfeiture for violation of article; allowing for punitive damages; prohibiting violations of article; setting forth penalties for violations; and providing rulemaking authority”; to the Committee on Technology and Infrastructure.

**By Delegates Street, Chiarelli, Foggini, Hanna, Kirby, Burkhammer, Statler, Brooks, Keaton, Ellington and Pinson:**

**H. B. 3060** - “A Bill to amend and reenact §18-7A-13 of the Code of West Virginia, 1931, as amended, relating to permitting membership of the state teachers retirement system to include any person who has been retired by any other retirement system administered by the Board at the option of the retirant; providing for implementation and conditions of membership; and deleting a cross-reference to a repealed provision of law”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Summers and Tully:**

**H. B. 3061** - “A Bill to amend and reenact §49-9-101, §49-9-102 and §49-9-107 of the Code of West Virginia, 1931, as amended; all relating to updating the authority of the Foster Care Ombudsman”; to the Committee on Health and Human Resources.

### **Special Calendar**

#### **Third Reading**

**Com. Sub. for H. B. 2754**, Relating to immunizations performed in a pharmacy; 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. 32**), and there were—yeas 90, nays 5, absent and not voting 5, with the yeas and the absent and not voting being as follows:

Nays: Chiarelli, Dillon, Miller, Ross and Steele.

Absent and Not Voting: Criss, Griffith, Heckert, Skaff and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2754) passed.

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

On this question, the yeas and nays were taken (**Roll No. 33**), and there were—yeas 91, nays 4, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Chiarelli, Dillon, Ross and Steele.

Absent and Not Voting: Criss, Griffith, Heckert, Skaff 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. 2754) 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. 2757**, Relating to expanding institutional eligibility for the WV Invests Grant Program; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 34**), 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: Criss, Griffith, Heckert, Skaff and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2757) passed.

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

On this question, the yeas and nays were taken (**Roll No. 35**), 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: Criss, Griffith, Heckert, Skaff 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. 2757) 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. 2776**, Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act; 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. 36**), 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: Criss, Griffith, Heckert, Skaff and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2776) passed.

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

On this question, the yeas and nays were taken (**Roll No. 37**), 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: Criss, Griffith, Heckert, Skaff 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. 2776) 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. 2777**, Updating federal taxable income and other terms in the West Virginia Corporation Net Income Tax Act; 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. 38**), 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: Criss, Griffith, Heckert, Skaff and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2777) passed.

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

On this question, the yeas and nays were taken (**Roll No. 39**), 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: Criss, Griffith, Heckert, Skaff 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. 2777) takes effect from its passage.

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

### **Second Reading**

**H. B. 2113**, Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2171**, Removing obsolete provisions regarding DOH standards for studded tires and chains; on second reading, coming up in regular order, was reported by the Clerk.

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

**H. B. 2531**, Requiring cooperation between the rail company and the Division of Highways when construction or maintenance activities are conducted by the company; 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:

**S. B. 143**, Relating to Adopt-A-Stream Program,

**Com. Sub. for H. B. 2221**, Relating to bankruptcy,

**H. B. 2597**, Amending performance evaluations of professional personnel,

And,

**H. B. 2800**, All relating to authorizing legislative rules regarding higher education.

### **Leaves of Absence**

At the request of Delegate Jeffries, and by unanimous consent, leaves of absence for the day were granted Delegates Criss, Griffith, Heckert, Skaff and Ward.

### **Miscellaneous Business**

Delegate Clark noted to the Clerk that he was absent on yesterday when the vote was taken on Roll No. 28, and had he been present, he would have voted “Yea” thereon.

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

**H. B. 2008:** Delegate Martin;

**H. B. 2104:** Delegate Dillon;

**H. B. 2155:** Delegate Dillon;

**H. B. 2157:** Delegate Dillon;

**H. B. 2597:** Delegate Hardy;

**H. B. 2611:** Delegate Rowe;

**H. B. 2619:** Delegate Kimble;

**H. B. 2750:** Delegate Espinosa;

**H. B. 2797:** Delegate Kimble;

**H. B. 2801:** Delegates Cannon, Linville and C. Pritt;

**H. B. 2827:** Delegate Rowe;

**H. B. 2854:** Delegate Rohrbach;

**H. B. 2917:** Delegate Rohrbach;

**H. B. 2978:** Delegate Young;

**H. B. 2985:** Delegates Hansen and Statler;

**H. B. 2997:** Delegate Kimble;

**H. B. 3002:** Delegate Coop-Gonzalez;

**H. B. 3014:** Delegates Hardy and Kump;

And,

**H. B. 3025:** Delegate Hardy.

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

**H. B. 2008:** Delegate Burkhammer;

**H. B. 2954:** Delegate Zatezalo;

And,

**H. B. 3031:** Delegate E. Pritt.

At 11:45 a.m., the House of Delegates adjourned until 11:00 a.m., Thursday, January 26, 2023.

---

Thursday, January 26, 2023

**SIXTEENTH DAY**

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

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

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

The Clerk proceeded to read the Journal of Wednesday, January 25, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

Your Committee on Education has had under consideration:

**H. B. 2005**, Establishing the dual enrollment pilot program to be administered by the Higher Education Policy Commission and the Council for Community and Technical College Education in conjunction with the State Board of Education,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2005** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-14-4, all relating to the dual enrollment pilot program; providing definitions; establishing the program to be administered by the Higher Education Policy Commission and the Council for Community and Technical College Education in conjunction with the State Board of Education; providing for funding; providing for rulemaking; and requiring annual reporting,"

And,

**H. B. 2832**, Clarifying appropriate and inappropriate duties for school counselors while also providing the definition of a school counselor,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2832** - "A Bill to amend and reenact §18-5-18b of the code of West Virginia, 1931, as amended; and to amend and reenact §18A-1-1 of said code, all relating to public-school counselors, and clarifying the definition and job duties of school counselors,"

With the recommendation that the committee substitutes each do pass.

Pursuant to House Rule 80, the Speaker referred the bill (H. B. 2005) to the Committee on Finance.

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

Your Committee on Education has had under consideration:

**H. B. 2549**, Permit teachers in K-12 schools be authorized to carry concealed firearms as a designated school protection officer,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2549) was referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration:

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

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

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

Your Committee on Education has had under consideration:

**H. B. 2596**, To modify when a nonresident student's transfer may be denied,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2596** - "A Bill to amend and reenact §18-5-16 of the Code of West Virginia, 1931, as amended, relating to denying transfers to other schools by students who are suspended or expelled from a school for certain conduct and open enrollment; clarifying the circumstances in which a county board shall permit the transfer of resident and nonresident students; amending provisions pertaining to the contents of county board of education policies for open enrollment; modifying the process for transfer application denials and appeals; and requiring county boards and the State Department of Education to report annually on the number of transfer approvals and denials made pursuant to open enrollment policies,"

**H. B. 2850**, Clarifying general education teachers' entitlements for the general education classroom that provide academic support for students identified as having an exceptionality whose least restrictive environment remains the general education classroom,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2850** - "A Bill to amend and reenact §18-20-1c of the code of West Virginia, 1931, as amended, relating to students with exceptional needs; clarifying entitlements for the general education teacher who has students with exceptionalities in their classroom,"

And,

**H. B. 2890**, The purpose of this bill is to modify student discipline,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2890** - “A Bill to amend and reenact §18A-5-1 of the Code of West Virginia, 1931, as amended, relating to authority of teachers and other school personnel for discipline of students; creating offence of behavior that is disruptive to classroom environment; teacher's responsibility to make a report after excluding student from classroom for certain offenses; excluding student from classroom for certain offenses and making exclusion an in-school suspension; providing penalty for repeat offenses; providing permissible action in event of personality clash ; and requiring each county school board to implement a tier system policy, with teacher input, to provide a framework for student behaviors and punishments,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2705**, Authorizing the Athletic Commission to promulgate a legislative rule relating to administrative rules of the West Virginia State Athletic Commission,

**H. B. 2744**, Authorizing the Division of Labor to promulgate a legislative rule relating to registration of service persons and service agencies,

And,

**H. B. 2745**, Authorizing the Division of Labor to promulgate a legislative rule relating to registration of weighing and measuring devices used by businesses in commercial transactions,



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

In accordance with the former direction of the Speaker, the bills (H. B. 2705, H. B. 2744 and H. B. 2745) were each referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2298**, Granting counties and municipalities a portion of the net terminal income from racetrack video lottery,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2298) was referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration:

**Com. Sub. for S. B. 83**, Authorizing tactical medical professionals to carry firearms,

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

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

Your Committee on the Judiciary has had under consideration:

**S. B. 132**, Clarifying criminal offense of harassment,

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

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2017**, Relating to service of process in child abuse cases,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2017** - “A Bill to amend and reenact §49-4-601 of the Code of West Virginia, 1931, as amended, relating to requiring the sheriff to serve child abuse and neglect petitions with additional compensation; requiring the rate of compensation to be set by the Supreme Court of Appeals; requiring the sheriff to serve the petition and notice of a preliminary hearing; clarifying the procedure for notices of subsequent hearings; and exempting the sheriff from further mechanisms for notice of the petition and preliminary hearing,”

**H. B. 2509**, Creating the Uniform Premarital Agreement Act,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2509** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §48-1A-101, §48-1A-201, §48-1A-301, §48-1A-401, §48-1A-501, §48-1A-601, §48-1A-701, §48-1A-801, §48-1A-901 and §48-1A-1001, all relating to the Uniform Premarital Agreement Act; defining terms; setting forth requirements and content of agreement; providing for the effect, amendment, revocation and enforcement of such agreements; establishing statute of limitations, application and construction of article; and setting forth short title,”

And,

**H. B. 2569**, Establishing the Motorsport Responsibility Act,

And reports back a committee substitute therefor, 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, and §20-19-7, 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,”

With the recommendation that the committee substitutes each do pass.

Delegate Martin, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 2308**, Prohibit a county from charging for a building permit if the value of the improvement is less than that required for a contractor's license,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2308) was referred to the Committee on Government Organization.

Delegate Martin, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 2038**, Refer instances of election fraud to the attorney general for prosecution,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2038) was referred to the Committee on the Judiciary.

Delegate Jennings, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

**H. B. 2375**, Relating to hiring new West Virginia State Police Officers,

And,

**H. B. 2584**, Allow homestead exemptions for disabled veterans,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2375 and H. B. 2584) were each referred to the Committee on Finance.

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

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

**H. B. 2512**, Transferring the administration of the West Virginia Small Business Innovation Research (SBIR) and Small Business Technology Transfer (SBTT) Matching Funds Program from the Department of Commerce to the Department of Economic Development,

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

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

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

**H. B. 2510**, To establish the Rare Earth Element and Critical Mineral Investment Tax Credit Act,

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

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

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

**H. B. 2753**, To modify e-bike laws in West Virginia,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2753) was referred to the Committee on the Judiciary.

Delegate Mallow, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

**H. B. 2670**, Authorizing the Fire Commission to promulgate a legislative rule relating to volunteer firefighters' training, equipment, and operating standards,

**H. B. 2672**, Authorizing the Fire Marshal to promulgate a legislative rule relating to supervision of fire protection work,

And,

**H. B. 2668**, Authorizing the Fire Commission to promulgate a legislative rule relating to hazardous substance emergency response training programs,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2670, H. B. 2672 and H. B. 2668) were each referred to the Committee on the Judiciary.

Delegate Mallow, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

**H. B. 2025**, Relating to who may diagnose post-traumatic stress disorder as a compensable injury or disease under workers compensation,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2025) was referred to the Committee on Health and Human Resources then Finance.

Delegate Mallow, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

**H. B. 2069**, Including emergency response vehicles in the single fee program for EZ Pass transponders,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2069) was referred to the Committee on Finance.

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

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

**H. B. 2436**, Relating to the implementation of an acuity-based patient classification system,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2436** - “A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5B-20, relating to the implementation of an acuity-based patient classification system; defining terms; providing for legislative findings; establishing a process to develop a plan; requiring a staffing plan to be reported; providing an exemption from the Freedom of Information Act; and establishing a framework for the staffing plans to be sent,”

With the recommendation that the committee substitute do pass, and with the recommendation that second reference to the Committee on the Judiciary be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for H. B. 2436) to the Committee on the Judiciary was abrogated.

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2848**, Water and Sewer Operator licensing reciprocity,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2848) was referred to the Committee on Health and Human Resources.

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2689**, Authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to denial, suspension, revocation, disqualification, restriction, non-renewal, cancellation, administrative appeals, and reinstatement of driving privileges,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2689) was referred to the Committee on the Judiciary.

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2687**, Authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to administrative due process,

**H. B. 2688**, Authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to examination and issuance of driver's license,

And,



**H. B. 2690**, Authorizing the Division of Highways to promulgate a legislative rule relating to disposal, lease and management of real property and appurtenant structures and relocation assistance,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2687, H. B. 2688 and H. B. 2690) were each referred to the Committee on the Judiciary.

### **Messages from the Senate**

A message from the Senate, by

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

**S. B. 4** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-23, relating to authorizing Adopt-A-Trail volunteer programs for public lands under the jurisdiction of the Division of Natural Resources; providing for activities to be performed by volunteer groups; requiring volunteer project agreements with the division; requiring certain requirements in agreements; establishing minimum requirements for volunteer organizations; establishing certain limitations on activities performed by volunteer groups; and providing for project coordination and removal and disposal of trash and other items”; which was referred to the Committee on Economic Development and Tourism.

A message from the Senate, by

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

**Com. Sub. for S. B. 121** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-21-1, §18B-21-2, §18B-21-3, and §18B-21-4, all

relating to the creation of the Student Journalist Press Freedom Protection Act; making legislative findings; defining terms; requiring that public high schools, colleges, and universities allow for the free expression of student journalists in school sponsored media; providing a framework and parameters for free expression; allowing for civil actions in the event that a student journalist's rights are violated; specifying the judicial relief available in an appeal; and clarifying that provisions of the article do not apply to students attending private high schools, colleges, or universities"; which was referred to the Committee on Education then the Judiciary.

A message from the Senate, by

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

**S. B. 192** – “A Bill to amend and reenact §36-12-11 of the Code of West Virginia, 1931, as amended, relating to the Uniform Real Property Transfer on Death Act; and when revocation of a transfer is permitted”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 208** – “A Bill to amend and reenact §30-29-5a of the Code of West Virginia, 1931, as amended, relating to criminal justice training for all law-enforcement officers and correction officers regarding individuals with autism spectrum disorders, Alzheimer's, and related dementias and requiring that all current law-enforcement officers receive the course of basic training for appropriate interaction with and response to individuals with autism spectrum disorders, Alzheimer's, and related dementias every three years”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**S. B. 244** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1 and §5-30-2, all relating to making rosters of individuals who have obtained professional, occupational, and trade licenses, registrations, and certificates available to the public; stating purpose of article; and requiring entities that authorize individuals to practice a profession, occupation, or trade in this state to prepare and maintain a roster of authorized individuals and to make roster available to the public”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

**S. B. 245** - "A Bill to amend and reenact §24-1-7 of the Code of West Virginia, 1931, as amended, relating to making rules and regulations of Public Service Commission subject to legislative rule-making review procedures"; which was referred to the Committee on Government Organization then the Judiciary.

A message from the Senate, by

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

**S. B. 246** – “A Bill to amend and reenact §31G-1-3 of the Code of West Virginia, 1931, as amended, relating to revising the membership of the Broadband Enhancement Council; reducing the total number of members of the council; reducing the number of public members of the council; and revising the number of members required to establish a quorum”; which was referred to the Committee on Technology and Infrastructure.

A message from the Senate, by

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

**S. B. 262** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25e, relating to allowing students to transfer schools and retain his or her athletic eligibility at least one-time during a student’s four years of secondary school”; which was referred to the Committee on Education.

A message from the Senate, by

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

**Com. Sub. for S. B. 264** – “A Bill to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-2-1 of said code; and to amend and reenact §18-5-1a of said code, all relating to prohibiting persons who have been convicted of certain crimes against minors from holding positions on boards of education; and requiring that a candidate for county board of education include a statement on the certificate of announcement that he or she swears and affirms that he or she has not been convicted of certain crimes against minors”; which was referred to the Committee on the Judiciary.

### **Resolutions Introduced**

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

**By Delegates Thorne, Horst, Kirby, Pinson, Dillon, A. Hall, Dittman, Hornby, Householder and Miller:**

**H. J. R. 20** - “Proposing an amendment to the Constitution of the State of West Virginia, amending article III thereof, by adding thereto a new section, designated section 23, relating to the right to farm and ranch; numbering and designating such proposed amendment; and providing a summarized statement of the purpose

of such proposed amendment”; to the Committee on Agriculture and Natural Resources then the Judiciary.

And,

**By Delegates Hornbuckle, Fluharty, Skaff, Young, Kirby, Garcia, Dean, Bridges, Smith, Pushkin and McGeehan:**

**H. J. R. 21** - “Proposing an amendment to the Constitution of the State of West Virginia, amending article IV thereof by adding thereto a new section, designated section thirteen, relating to the possession, manufacture, and sale of cannabis by adults 21 years of age or older; the expungement of criminal records as it pertains to cannabis convictions; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Health and Human Resources then the Judiciary.

### **Bills Introduced**

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

**By Delegate Linville:**

**H. B. 3062** - “A Bill to amend and reenact §6B-3-5 of the Code of West Virginia, 1931, as amended, relating to grass roots lobbying campaigns; modifying reporting thresholds for grass roots lobbying campaigns; and clarifying the disclosure of contributions made for the purpose of furthering grass roots lobbying campaigns”; to the Committee on the Judiciary.

**By Delegate Linville:**

**H. B. 3063** - “A Bill to amend and reenact §3-8-1a, §3-8-2, and §3-8-2b of the Code of West Virginia, 1931, as amended, all relating to requirements for disclosure of donor contributions; defining terms; modifying the requirements for disclosing individual contributions to an independent expenditure; and clarifying disclosure for contributions made for the specific purpose of electioneering communications”; to the Committee on the Judiciary.

**By Delegates Hanshaw (Mr. Speaker) and Skaff****[By Request of the Executive]:**

**H. B. 3064** - “A Bill supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2022, known as the budget bill, as amended, in Title II, from the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Homeland Security, West Virginia State Police, fund 0453, fiscal year 2023, organization 0612, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023 by adding new language; therefore”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff****[By Request of the Executive]:**

**H. B. 3065** - “A Bill supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2022, known as the budget bill, as amended, in Title II from the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Transportation, Division of Multimodal Transportation Facilities – Aeronautics Commission, fund 0582, fiscal year 2023, organization 0810, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff****[By Request of the Executive]:**

**H. B. 3066** - A supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2022, known as the budget bill, in Title II from the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Education, State Board of Education – State Aid to Schools, fund 0317, fiscal year 2023, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023 by increasing and decreasing items of appropriation; therefore”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff****[By Request of the Executive]:**

**H. B. 3067** - “A Bill supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2022, known as the

budget bill, as amended, in Title II from the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Transportation, Division of Multimodal Transportation Facilities – Public Transit, fund 0510, fiscal year 2023, organization 0810, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

**By Delegates Holstein, Statler, Toney, Steele, Dittman, Keaton, Hanna, Clark and Hardy:**

**H. B. 3068** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18C-10-1, §18C-10-2, §18C-10-3, §18C-10-4, and §18C-10-5, all relating to the creation of the West Virginia STEM Scholarship Act; providing for a short title; providing for legislative findings and purpose; establishing the West Virginia STEM Scholarship Program and setting forth the amount of scholarship money to be paid to educators who satisfy the thresholds; setting forth criteria and creating a sunset provision; and providing for an effective date”; to the Committee on Education then Finance.

**By Delegates Kimble, C. Pritt, Jeffries, Butler, Kirby, Ridenour, Longanacre, Pinson, Mazzocchi, Phillips and McGeehan:**

**H. B. 3069** - “A Bill to amend and reenact §16-1-6 of the Code of West Virginia, 1931, as amended, relating to the Commissioner of the Bureau for Public Health; and requiring medical professionals to report to the Bureau for Public Health all injuries and side effects from vaccines and produce an annual report for the Legislature; requiring medical professionals that deliver vaccines to receive educational materials from the Bureau for Public Health about negative side effects from vaccines and to be formally trained every five years; and requiring the Commissioner to make available a mechanism for individuals, including parents, to report adverse impact from vaccines”; to the Committee on Health and Human Resources.

**By Delegates Kirby, E. Pritt, A. Hall, Brooks, Vance, Foggin and Ridenour:**

**H. B. 3070** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-22f, relating to providing a supplemental benefit to annuitants in the Public Employees Retirement System”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Gearheart, Longanacre, Butler, Householder, Honaker, Brooks, Barnhart, Dean, Smith, Hanna and A. Hall:**

**H. B. 3071** - “A Bill to amend and reenact §17-16A-10 of the Code of West Virginia, 1931, as amended, relating to requiring the approval of the Legislature and the Governor before additional bonds may be issued by the Parkways Authority; and requiring tolls to be removed six months following removal of encumbrances for the bonds”; to the Committee on Technology and Infrastructure then Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff  
[By Request of the Executive]:**

**H. B. 3072** - “A Bill supplementing and amending appropriations of public moneys out of the Treasury in the State Fund, General Revenue, by decreasing an existing item of appropriation and increasing an existing item of appropriation to the Department of Homeland Security, Division of Administrative Services, fund 0619, fiscal year 2023, organization 0623, by supplementing and amending appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff  
[By Request of the Executive]:**

**H. B. 3073** - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to Miscellaneous Boards and Commissions, Adjutant General – State Militia, fund 0433, fiscal year 2023, organization 0603, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.



**By Delegates Hanshaw (Mr. Speaker) and Skaff  
[By Request of the Executive]:**

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

**By Delegate Devault:**

**H. B. 3075** - “A Bill to amend and reenact §8-13-5 of the Code of West Virginia, 1931, as amended, relating to clarifying that subcontractors are exempt from municipal business and occupation taxes”; to the Committee on Political Subdivisions then Finance.

**By Delegates Howell, Clark, Summers, Ellington, Storch,  
Westfall, Hornby, Crouse, Dittman, Petitto and Heckert:**

**H. B. 3076** - “A Bill to amend and reenact §18-1-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-1-1 of said code, all relating to adding the definition of therapist to be employed by the county boards of education”; to the Committee on Education then Finance.

**By Delegates Tully, Summers, Brooks, Jennings,  
Longanacre, Foster, Barnhart, Kelly, Hott, Rohrbach and  
Burkhammer:**

**H. B. 3077** - “A Bill to repeal §60A-10-16 of the Code of West Virginia, 1931, as amended, relating to making the use of the multi-state real time tracking system permanent”; to the Committee on Health and Human Resources.

**By Delegates Summers, Hanshaw (Mr. Speaker), Ellington,  
Statler, Riley and Kelly:**

**H. B. 3078** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-5-7, relating to allowing payment to employees for unused annual leave

in excess of the maximum end of year carryover balance or requiring carryover of annual leave”; to the Committee on Finance.

**By Delegate Westfall:**

**H. B. 3079** - “A Bill to amend and reenact §33-16-1a and §33-16-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §33-16-2a, all relating to modify group accident and sickness insurance requirements”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Walker and Griffith:**

**H. B. 3080** - “A Bill to amend and reenact §17-2A-8 of the Code of West Virginia, 1931, relating to requiring sharps containers, automatic electronic defibrillators (AEDs), and first-aid kits at welcome centers and rest areas on public highways”; to the Committee on Health and Human Resources then Finance.

**By Delegate Walker:**

**H. B. 3081** - “A Bill to amend and reenact §61-2-1 of the Code of West Virginia, 1931, as amended; relating to abolishing felony murder or a death caused in the commission of certain other felonies”; to the Committee on the Judiciary.

**By Delegates Hardy, Foster, Ridenour, Hornby, Butler and Keaton:**

**H. B. 3082** - “A Bill to amend and reenact §59-3-3 of the Code of West Virginia, 1931, as amended, relating to reducing rates for legal advertising”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 3083** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §8B-1-1, §8B-1-2, §8B-1-3, §8B-1-4, §8B-1-5, and §8B-1-6, all relating to creating the Local Government Labor and Consumer Marketing Regulatory Limitation Act; prohibiting political subdivisions from enacting certain ordinances, regulations, local policies, local resolutions, or other legal requirements; providing a short title; setting forth legislative findings and declarations; defining terms; providing that political subdivisions may not adopt or enforce any

ordinance, regulation, local policy, local resolution, or other legal requirement which regulates information requested, required, or excluded on an application for employment; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer to pay a wage higher than any applicable state or federal law; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer to pay wages or fringe benefits based on a rate prevailing in the locality or the state; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates work stoppages, strike activity, or means by which employees organize; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer to provide paid or unpaid leave time; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer or its employees to participate in an apprenticeship or apprenticeship training program not required by federal or state law; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates an employee's hours and scheduling; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates standards or requirements regarding the sale or marketing of consumer merchandise that are different from or in addition to state law; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates standards of care or conduct for certain professions; providing for civil relief; establishing a civil cause of action which, if proven in a court of competent jurisdiction, may permit a person to recover damages, including compensatory and punitive damages, costs and attorney's fees, injunctive relief, or any other appropriate equitable relief against any political subdivision violating the Local Government Labor and Consumer Marketing Regulatory

Limitation Act; providing exceptions; clarifying effect on prior written agreements; providing that any prohibited ordinance, regulation, local policy, local resolution, or other legal requirement in effect prior to the effective date of chapter is void; providing that the prohibitions do not apply to employees of a political subdivision; and clarifying the effect on the West Virginia Alcohol and Drug-Free Workplace Act”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Ellington, Statler, Toney, Clark, Mazzocchi, Longanacre and Foggin:**

**H. B. 3084** - “A Bill to amend and reenact §18-5-48 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-5G-1, §18-5G-2, §18-5G-3, §18-5G-4, §18-5G-5, §18-5G-12 and §18-5G-15 of said code; and to amend and reenact §18-9A-15 of said code; all relating to revising provisions related to public charter schools; providing public charter school access to funding from School Safety Fund; modifying priorities for funds use; requiring rule on process for needs-based funding requests; expressing legislative intent on comparable levels of funding for public charter school students; authorizing state institution of higher education as applicant; prohibiting imposition of requirements on public charter schools choosing to incorporate post-secondary, industry and workforce program that are not required of noncharter public schools; authorizing public charter schools to include before and after school programs in their education program; excluding public charter school programs from regulation as child care facility; authorizing public charter school students to participate on the same basis as other public school students in extracurricular athletic and academic interscholastic activities sponsored by noncharter public school serving attendance area if not sponsored by charter school; clarifying public charter schools are exempt from state board policies unless otherwise specifically provided; requiring professional charter school board to consult with nationally recognized organizations along with the state board; requiring state board to establish framework and procedures for interaction between public charter schools and county boards to facilitate cooperation and ensure prompt transfer of records; providing for invoicing of certain

funding when student transfers from and to certain entities after the beginning of the school year; prohibiting sale or other transfer of public facility after public charter school requests usage; authorizing professional charter school board to receive and expend gifts, grants and donations to carry out purposes of act, to apply for federal funds to implement programs, and to make start-up grants to public charter schools; and requiring for state board rule on method for providing increased enrollment funding for public charter schools”; to the Committee on Education then Finance.

**By Delegates Rohrbach, Shamblin, Ferrell, W. Hall and Howell:**

**H. B. 3085** - “A Bill to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended, by relating to authorizing county boards of education to provide public schools with the services of a licensed clinical professional counselor (LCPC) with a master's degree”; to the Committee on Education.

**By Delegate Young:**

**H. B. 3086** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-30, relating to creating the Men’s Equality Act; and requiring 100 percent coverage under the West Virginia Public Employees Insurance plan for voluntary male sterilization”; to the Committee on Health and Human Resources then Finance.

**By Delegate Young:**

**H. B. 3087** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-19-1 and §20-19-2, all relating to energy storage systems, and providing for energy storage system access”; to the Committee on Energy and Manufacturing.

**By Delegate Young:**

**H. B. 3088** - “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, and §20-19-3, all relating to energy storage, establishing legislative intent, defining terms, establishing mechanisms for

procurement, and providing for legislative rules”; to the Committee on Energy and Manufacturing.

**By Delegate Young:**

**H. B. 3089** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13MM-1, all relating to providing tax credits for employer provided and employer sponsored child care facilities; defining terms; setting amount of credit; establishing terms for the credit; requiring certain actions when a recapture event occurs; and providing rulemaking”; to the Committee on Finance.

**By Delegate Foster:**

**H. B. 3090** - “A Bill to repeal §19-2C-1, §19-2C-2, §19-2C-3, §19-2C-3a, §19-2C-3b, §19-2C-4, §19-2C-5, §19-2C-5a, §19-2C-5b, §19-2C-6, §19-2C-6a, §19-2C-6b, §19-2C-6c, §19-2C-7, §19-2C-8, §19-2C-8a, §19-2C-9, §19-2C-9a, and §19-2C-10 of the Code of West Virginia, 1931, as amended, relating to requiring the licensing of auctioneers”; to the Committee on Agriculture and Natural Resources then Government Organization.

**By Delegate Foster:**

**H. B. 3091** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §6-9B-5, relating to requiring counties to provide certain information to the State Auditor for inclusion in the financial transparency website”; to the Committee on Government Organization.

**By Delegate Foster:**

**H. B. 3092** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-2-18, relating to in-state food service permit reciprocity”; to the Committee on Health and Human Resources.

**By Delegates Howell, Clark, Storch, Westfall, Hornby, Crouse, Dittman, Petitto and Heckert:**

**H. B. 3093** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-24-9d, relating to creating a tax credit against the corporate net income tax for companies paying moving expenses of employees to West

Virginia”; to the Committee on Economic Development and Tourism then Finance.

**By Delegates Howell, Storch, Hornby, Crouse, Dittman, Petitto and Heckert:**

**H. B. 3094** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-11-1, §5B-11-2, and §5B-11-3, all relating to creation of the Remote Worker Home Development Act; providing for legislative findings; establishing parameters for the creation of homes and subdivisions to comport with the purpose of the Act; creating guidelines; and providing for an effective date”; to the Committee on Economic Development and Tourism then Finance.

**By Delegates Howell, Westfall, Dean, Jeffries, Fast, Zatezalo, Kelly, Phillips, Hillenbrand, Clark and Storch:**

**H. B. 3095** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2-16a; and to amend and reenact §18-9D-3 of said code, all relating to creating a Department of Economic Development grant program; to create a special revenue account in the State Treasury known as the ‘School Building Authority Agricultural, Vocational and Technical Training Facilities Grant Fund;’ and to authorize project administration of the ‘School Building Authority Agricultural, Vocational and Technical Training Facilities Grant Fund’ projects by the School Building Authority and School Building Authority project administration program for constructing, renovating and/or expanding agricultural, vocational and technical training facilities at West Virginia primary and secondary schools”; to the Committee on Economic Development and Tourism then Education.

**By Delegates Howell, Clark, Westfall, Hornby, Crouse, Dittman, Petitto and Heckert:**

**H. B. 3096** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, §11-13MM-3, §11-13MM-4, §11-13MM-5, §11-13MM-6, §11-13MM-7, §11-13MM-8, §11-13MM-9, and §11-13MM-10, all relating to the Distribution Center Tax Credit Act; providing for a short title; providing

legislative findings and purpose; creating definitions, including specific definitions for both small and large distribution centers; establishing the Distribution Center tax credit; providing for restrictions on investment; providing for a penalty; providing for disclosure of tax credits; providing for a tax credit review and accountability; authorizing rules; and providing an effective date”; to the Committee on Economic Development and Tourism then Finance.

### **Special Calendar**

#### **Third Reading**

**H. B. 2113**, Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse; 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. 40**), 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, Criss, Griffith, Skaff and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2113) passed.

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

**H. B. 2531**, Requiring cooperation between the rail company and the Division of Highways when construction or maintenance activities are conducted by the company; 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. 41**), 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, Criss, Griffith, Skaff and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2531) passed.

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

### **Second Reading**

**S. B. 143**, Relating to Adopt-A-Stream Program; on second reading, coming up in regular order, was read a second time.

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

**“ARTICLE 15A. THE A. JAMES MANCHIN  
REHABILITATION ENVIRONMENTAL ACTION  
PLAN.**

#### **§22-15A-3a. Creation of Adopt-A-Stream Program required.**

(a) The Adopt-A-Highway Program was established in the late 1980s to improve the quality of the state’s environment by encouraging public involvement in the elimination of highway litter. That program is cosponsored by the Division of Highways and the Department of Environmental Protection, Rehabilitation Environmental Action Plan. Its objective is to save taxpayer money by increasing public awareness and to serve as an educational tool by focusing on the consequences of littering. The program offers volunteers the opportunity to take charge of their own environment by making a positive effort to create a cleaner, more aesthetic place in which to live.

In West Virginia there are currently 25,000 volunteers who regularly pick up litter on 4,000 miles of highway. They have been

responsible for removing more than 40 million pounds of litter since the program began.

(b) As with the Adopt-A-Highway Program, individuals, families, churches, businesses, schools, civic organizations, government agencies, scouting groups, fraternities, and communities may participate in an Adopt-A-Stream Program, which the department shall create and implement. ~~Anyone who is at least 12 years old may participate~~ Participants 17 years of age or younger must be accompanied by an adult. Any stream or river ~~that is a part of the West Virginia Stream Partners Program~~ within the state of West Virginia is eligible for adoption, with the exception of streams or rivers ~~considered~~ determined to be unsafe by the department. ~~Volunteers may select a stream or river to adopt and then have it approved by the department, or they may ask the department to suggest an adoptable stream or river.~~ Adopted streams or river sections must be at least one mile long. Applications for adoptions will be reviewed and approved or denied at the department's discretion. The Litter Control Fund, or other sources of funding deemed appropriate by the secretary, may be used to support the Adopt-A-Stream Program.

(c) Adoptions are for a period of ~~one year~~ three years, during which time at least one cleanup is required per year. ~~As volunteers pick up litter, bags that have been filled are placed on stream sides.~~ Collected litter will be placed at designated locations approved by the department. The department may coordinate with volunteers, local authorities, and state agencies for removal and disposal by the program of collected litter. Garbage bags, ~~safety vests,~~ safety training, ~~traffic warning signs,~~ and gloves are to be furnished by the program.

(d) Adopted streams or rivers may be identified by a sign at ~~each end of the~~ a location along the adopted section bearing the Adopt-A-Stream logo and the name of the adopter after the first cleanup has been completed. Volunteers who complete one required litter pickup within the ~~one-year~~ first year of the three-year contract period shall be awarded a certificate of accomplishment signed by the secretary.

(e) Any stream obstruction or other cause for concern observed by volunteers may be reported to the Department of Environmental Protection, Division of Natural Resources, the State Conservation Committee, or the appropriate local county emergency manager.

~~(e)~~ (f) The secretary may propose legislative rules for legislative approval in accordance with the provisions of ~~pursuant~~ to §29A-3-1 et seq. of this code.”

The bill was then ordered to third reading.

**S. B. 231**, Transferring administration of WV Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program to Department of Economic Development; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**H. B. 2171**, Removing obsolete provisions regarding DOH standards for studded tires and chains; on second reading, coming up in regular order, was reported by the Clerk.

On motion of Delegate Kimble, the bill (H. B. 2171) was recommitted on the Committee on Technology and Infrastructure.

**Com. Sub. for H. B. 2221**, Relating to bankruptcy; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2597**, Amending performance evaluations of professional personnel; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2800**, All relating to authorizing legislative rules regarding higher education; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

### **Leaves of Absence**

At the request of Delegate Kimble, and by unanimous consent, leaves of absence for the day were granted Delegates Bridges, Criss, Griffith, Skaff and Ward.

### **Miscellaneous Business**

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

**H. B. 2035:** Delegate Rohrbach;

**H. B. 2038:** Delegate Holstein;

**H. B. 2054:** Delegate Hite;

**H. B. 2172:** Delegate Holstein;

**H. B. 2191:** Delegate Holstein;

**H. B. 2193:** Delegate Holstein;

**H. B. 2234:** Delegate Holstein;

**H. B. 2280:** Delegate Holstein;

**H. B. 2293:** Delegate Cooper;

**H. B. 2320:** Delegate Brooks;

**H. B. 2376:** Delegate Ridenour;

**H. B. 2454:** Delegate Holstein;

**H. B. 2563:** Delegate Holstein;

**H. B. 2599:** Delegate Holstein;

**H. B. 2763:** Delegate Brooks;

**H. B. 2765:** Delegate Brooks;

**H. B. 2779:** Delegate Gearheart;

**H. B. 2801:** Delegate Garcia;

**H. B. 2919:** Delegate McGeehan;

**H. B. 2937:** Delegate Holstein;

**H. B. 2973:** Delegate Kump;

**H. B. 2974:** Delegate Kump;

**H. B. 2981:** Delegate Pritt;

**H. B. 2997:** Delegate Kump;

And,

**H. B. 3008:** Delegate Holstein.

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

**H. B. 2600:** Delegate Nestor.

At 11:47 a.m., the House of Delegates adjourned until 9:00 a.m., Friday, January 27, 2023.

---

Friday, January 27, 2023

**SEVENTEENTH DAY**

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

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

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

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

**Committee Reports**

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

Your Committee on Energy and Manufacturing has had under consideration:

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

And reports back a committee substitute therefor, as follows:

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

With the recommendation that the committee substitute do pass.

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

Your Committee on Energy and Manufacturing has had under consideration:

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

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

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

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

Your Committee on Jails and Prisons has had under consideration:

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

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

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

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

Your Committee on Technology and Infrastructure has had under consideration:

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

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

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

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

Your Committee on Technology and Infrastructure has had under consideration:

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

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

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

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

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

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

And reports back a committee substitute therefor, as follows:

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



With the recommendation that the committee substitute do pass.

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

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

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

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

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

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

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

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

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

And,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

And,

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

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

In accordance with the former direction of the Speaker, the bills (H. B. 2710, H. B. 2715, H. B. 2716, H. B. 2717, H. B. 2720, H. B.

2721, H. B. 2722, H. B. 2723, H. B. 2724, H. B. 2725, H. B. 2726, H. B. 2727, H. B. 2728, H. B. 2729, H. B. 2731, H. B. 2732 and H. B. 2734) were each referred to the Committee on the Judiciary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Bills Introduced**

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

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

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

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

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

**By Delegate Young:**

**H. B. 3099** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-21-1, §18B-21-2, §18B-21-3, §18B-21-4, §18B-21-5, §18B-21-6, §18B-21-7, §18B-21-8, §18B-21-9, and §18B-21-10, all relating to the Student Basic Needs Campus Initiative; establishing the Student Basic Needs Campus Initiative; authorizing the creation of

the Student Basic Needs Campus Program office; establishing the duties of the Hunger Free Campus Program office; authorizing the Student Basic Needs Campus Program office to administer and advise the Chancellor on the Student Basic Needs Campus Grant Program; establishing the requirement for designation as a Student Basic Needs Campus; setting requirements for awarding Student Basic Needs grants; addressing Student Basic Needs Campus grant administration; creating the Student Basic Needs Campus Program and Grant Fund; setting forth reporting requirements; and authorizing legislative rules”; to the Committee on Education then Finance.

**By Delegate Young:**

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

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

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

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

**H. B. 3102** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-23, relating to authorizing Adopt-A-Trail volunteer programs for public lands under the jurisdiction of the Division of Natural Resources; providing for activities to be performed by volunteer groups; requiring volunteer project agreements with the division; requiring certain requirements in agreements; establishing

minimum requirements for volunteer organizations; establishing certain limitations on activities performed by volunteer groups; and providing for project coordination and removal and disposal of trash and other items”; to the Committee on Agriculture and Natural Resources then Government Organization.

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

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

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

**H. B. 3104** - “A Bill to amend and reenact §30-13A-10 of the Code of West Virginia, 1931, as amended, relating to requiring land surveyors to offer to record maps or plats of measured parcels of land made by the surveyor”; to the Committee on Political Subdivisions then Government Organization.

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

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

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

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

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

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

project”; to the Committee on Workforce Development then the Judiciary.

**By Delegates Hanshaw (Mr. Speaker) and Hornbuckle  
[By Request of the Executive]:**

**H. B. 3108** - “A Bill supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2022, known as the budget bill, as amended, in Title II from the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Transportation, Division of Multimodal Transportation Facilities - State Rail Authority, fund 0506, fiscal year 2023, organization 0810, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Hornbuckle  
[By Request of the Executive]:**

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

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

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



revenue fund”; to the Committee on Energy and Manufacturing then Finance.

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

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

**By Delegate Walker:**

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

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

**H. B. 3113** - “A Bill to amend and reenact §18-2-7c of the Code of West Virginia, 1931, as amended, relating to requiring each high school student to complete a one credit course of study in personal finance as a requirement for high school graduation”; to the Committee on Education.

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

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

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

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

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

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

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

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

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

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

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

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

**By Delegate Adkins:**

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

**By Delegate Jennings:**

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

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

**H. B. 3122** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-51, relating to permitting certain types of rifles using an encapsulated propellant charge that loads from the breech, with the bullet loaded from the muzzle, during any muzzleloader season; and providing an exception”; to the Committee on Agriculture and Natural Resources then the Judiciary.

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

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

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

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

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

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

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

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

**By Delegate Longanacre:**

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

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

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

### **Special Calendar**

#### **Third Reading**

**S. B. 143**, Relating to Adopt-A-Stream Program; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 42**), and there were—yeas 90, nays none, absent and not voting 10, with the absent and not voting being as follows:

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

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

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

**S. B. 231**, Transferring administration of WV Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program to Department of Economic Development; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 43**), and there were—yeas 90, nays none, absent and not voting 10, with the absent and not voting being as follows:

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

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

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

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

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

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 231) takes effect from its passage.

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

**Com. Sub. for H. B. 2221**, Relating to bankruptcy; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 45**), and there were—yeas 78, nays 12, absent and not voting 10, with the nays and the absent and not voting being as follows:

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

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

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

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

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

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

**H. B. 2597**, Amending performance evaluations of professional personnel; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 46**), and there were—yeas 90, nays none, absent and not voting 10, with the absent and not voting being as follows:

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

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

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



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

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

**H. B. 2800**, All relating to authorizing legislative rules regarding higher education; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 47**), and there were—yeas 90, nays none, absent and not voting 10, with the absent and not voting being as follows:

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

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

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

### **First Reading**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Leaves of Absence**

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

### **Miscellaneous Business**

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

**H. B. 2162**: Delegate Holstein;

**H. B. 2492**: Delegate Ridenour;

**H. B. 2566**: Delegate Holstein;

**H. B. 2617**: Delegate Holstein;

**H. B. 2636**: Delegate Holstein;

**H. B. 2798**: Delegates Bridges and Hall;

**H. B. 2942**: Delegate Mazzocchi;

**H. B. 2968:** Delegate Holstein;

**H. B. 2969:** Delegate Holstein;

**H. B. 3049:** Delegate Keaton;

**H. B. 3070:** Delegate Kump;

**H. B. 3075:** Delegate Martin;

**H. B. 3078:** Delegate Kump;

**H. B. 3102:** Delegate Kump;

And,

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

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

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

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

---

Monday, January 30, 2023

**TWENTIETH DAY**

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

The House of Delegates came to order with the Honorable Roger Hanshaw, Speaker, presiding.

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

The Clerk proceeded to read the Journal of Friday, January 27, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

Delegate Worrell, Chair of the Committee on Workforce Development, submitted the following report, which was received:

Your Committee on Workforce Development has had under consideration:

**H. B. 2779**, To make those who fail drug test ineligible for unemployment,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2779) was referred to the Committee on the Judiciary.

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

Your Committee on Jails and Prisons has had under consideration:

**H. B. 2879**, To provide a pay increase to state correctional workers in West Virginia,

And,

**S. B. 141**, Adding Division of Corrections and Rehabilitation employees working at certain institutions to WV Emergency Responders Survivor Benefits Act,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2879 and S. B. 141) were each referred to the Committee on Finance.

Delegate Mazzocchi, Chair of the Committee on Senior, Children, and Family Issues, submitted the following report, which was received:

Your Committee on Senior, Children, and Family Issues has had under consideration:

**H. B. 2538**, Relating to foster care,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2538) was referred to the Committee on Health and Human Resources.

### **Messages from the Executive**

#### **and other Communications**

The Clerk announced that the following amended report of the activities of the Legislative Rule-Making Review Committee had been submitted:

West Virginia Legislature  
Legislative Rule-Making Review Committee  
State Capitol  
Charleston, West Virginia 25305

January 30, 2023

West Virginia Legislature  
State Capitol  
Charleston, West Virginia

Ladies and Gentlemen:

In accordance with the provisions of West Virginia Code, §29A-3-12, as chairpersons of the Legislative Rule-Making Review Committee we submit this report of its activities. A bill, in the form approved by the Committee, authorizing each of the proposed legislative rules below as submitted, as modified, as modified and amended, or as amended have been drafted by staff of the Legislative Rule-Making Review Committee pursuant to West Virginia Code §29A-3-11.

**The Committee submits the following proposed rules to the Legislature with the recommendation that the proposed rules be authorized for promulgation by the respective agencies as submitted:**

Accountancy, Board of  
Board Rules and Rules of Professional Conduct, 1 CSR 01

Administration, WV Department of  
Purchasing, 148 CSR 01

Auditor, Office of the State  
Standards for Voluntary Payroll Deductions, 155 CSR 03

Crime, Delinquency, and Correction  
Protocol for Law Enforcement Response to Domestic Violence,  
149 CSR 03

## DEP - Air Quality

Standards of Performance for New Stationery Sources, 45 CSR  
16

## DEP - Air Quality

Emission Standards for Hazardous Air Pollutants, 45 CSR 34

## DEP - Secretary's Office

Reclamation of Solar and Wind Electricity Generation  
Facilities, 60 CSR 11

## DEP - Water and Waste Management

Recycling Assistance Grant Program, 33 CSR 10

## Fire Commission, WV State

Certification of Home Inspectors, 87 CSR 05

## Health and Human Resources, WV Department of

Medical Cannabis Program - Grower/Processors, 64 CSR 110

## Health and Human Resources, WV Department of

Medical Cannabis Program - Dispensaries, 64 CSR 112

## Health and Human Resources, WV Department of

Financial Disclosure Rule, 65 CSR 13

## Health and Human Resources, WV Department of

Minimum Licensing Requirements for Residential Child Care  
and Treatment Facilities for Children and Transitioning Adults  
and Vulnerable and Transitioning Youth Group Homes and  
Programs in West Virginia, 78 CSR 03

## Health and Human Resources, WV Department of

Family Child Care Facility Licensing, 78 CSR 18

## Health and Human Resources, WV Department of

Goals for Foster Children, 78 CSR 25

## Health and Human Resources, WV Department of

Deemed Head Start Child Care Center Licenses, 78 CSR 28



Highways, WV Division of  
Construction and Reconstruction of State Roads, 157 CSR 03

Insurance Commission, WV  
Suitability in Annuity Transactions, 114 CSR 11B

Labor, WV Division of  
Supervision of Plumbing Work, 42 CSR 32

Lottery Commission, WV  
West Virginia Lottery Sports Wagering Rule, 179 CSR 09

Medicine, WV Board of  
Licensing of Physicians and Podiatric Physicians and  
Disciplinary Procedures for Applicants, Licensees, Credential  
Holders, 11 CSR 01A

Medicine, WV Board of  
Licensure, Practice Requirements, Disciplinary and Complaint  
Procedures, Continuing Education, Physician Assistants, 11  
CSR 01B

Medicine, WV Board of  
Collaborative Pharmacy Practice, 11 CSR 08

Medicine, WV Board of  
Prohibiting Sexual Misconduct by Health Care Practitioners, 11  
CSR 16

Motor Vehicles, WV Division of  
Administrative Due Process, 91 CSR 01

Natural Resources, WV Division of  
Special Motorboating Regulations, 58 CSR 27

Osteopathic Medicine, WV Board of  
Osteopathic Physician Assistants, 24 CSR 02

Psychologists, WV Board of  
Code of Conduct, 17 CSR 06

Registered Professional Nurses, WV Board of Examiners for  
Requirements for Registration and Licensure and Conduct  
Constituting Professional Misconduct, 19 CSR 03

Registered Professional Nurses, WV Board of Examiners for  
Telehealth Practice; Requirements; Definitions., 19 CSR 16

Tax Department, WV State  
Farm-To-Food Bank Tax Credit, 110 CSR 13DD

Tax Department, WV State  
Property Transfer Tax, 110 CSR 22

Tax Department, WV State  
Personnel Rule for the Tax Division, 110 CSR 42

**The Committee submits to the Legislature the following proposed rules which were modified by the agency in accordance with the provisions of West Virginia Code, §29A-3-14, and which were approved by the Committee with the modifications with the recommendation that the proposed rules be authorized for adoption by the respective agencies as modified:**

Acupuncture, WV Board of  
Advertising by Licensed Acupuncturists, 32 CSR 05

Acupuncture, WV Board of  
Standards of Practice of Acupuncture by Licensed  
Acupuncturists, 32 CSR 06

Acupuncture, WV Board of  
Continuing Education Requirements, 32 CSR 09

Agriculture, WV Department of  
WV Apiary Law, 61 CSR 02

Agriculture, WV Department of  
Schedule for Charges for Inspection Services: Fruit, 61 CSR  
08B

Agriculture, WV Department of  
Rules Dealing With Noxious Weeds, 61 CSR 14A

Agriculture, WV Department of  
Grade A Pasteurized Milk, 61 CSR 15

Agriculture, WV Department of  
Inspection of Nontraditional Domesticated Animals, 61 CSR  
23D

Agriculture, WV Department of  
Hemp Products, 61 CSR 30

Agriculture, WV Department of  
Livestock Care Standards, 61 CSR 31

Agriculture, WV Department of  
Farm-To-Food Bank Tax Credit, 61 CSR 36

Agriculture, WV Department of  
Farmers Market, 61 CSR 38

Athletic Commission, WV State  
Regulation of Boxing, 177 CSR 01

Athletic Commission, WV State  
Regulation of Mixed Martial Arts, 177 CSR 02

Conservation Agency, WV  
Operation of West Virginia State Conservation Committee and  
Conservation Districts, 63 CSR 01

Conservation Agency, WV  
Conservation District Accounting and Auditing Standards, 63  
CSR 04

Dental Examiners, WV Board of  
Dental Recovery Networks, 5 CSR 15

DEP - Air Quality  
Control of Ozone Season Nitrogen Oxides Emissions, 45 CSR  
40

DEP - Mining and Reclamation

Rules For Quarrying and Reclamation, 38 CSR 03

DEP - Water and Waste Management

Reclamation of Abandoned and Dilapidated Properties Grant Program, 33 CSR 13

Development Office, WV

Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program, 145 CSR 15

Division of Financial Institutions

Rule Pertaining to Money Transmission Services, 106 CSR 23

Emergency Management

National Flood Insurance Program, 170 CSR 07

Fire Commission, WV State

Hazardous Substance Emergency Response Training Programs, 87 CSR 03

Fire Commission, WV State

Volunteer Firefighters' Training, Equipment, and Operating Standards, 87 CSR 08

Fire Marshal, WV State

Certification of Electrical Inspectors, 103 CSR 01

Fire Marshal, WV State

Supervision of Fire Protection Work, 103 CSR 03

Fire Marshal, WV State

Electrician Licensing Rules, 103 CSR 05

Fire Marshal, WV State

Certification of Home Inspectors, 103 CSR 07

Funeral Service Examiners, WV Board of

Funeral Director, Embalmer, Apprentice, Courtesy Card Holders and Funeral Establishment Requirements, 6 CSR 01

Funeral Service Examiners, WV Board of  
Crematory Requirements, 6 CSR 02

Funeral Service Examiners, WV Board of  
Fee Schedule, 6 CSR 07

Health and Human Resources, WV Department of  
Procedures Pertaining to the Dangerousness Assessment  
Advisory Board, 64 CSR 26

Health and Human Resources, WV Department of  
Standards for Local Boards of Health, 64 CSR 73

Health and Human Resources, WV Department of  
Medical Examiner Requirements for Postmortem Inquiries, 64  
CSR 84

Health and Human Resources, WV Department of  
Methodologies to Examine Needs for Substance Use Disorder  
Treatment Facilities Within the State, 69 CSR 13

Health and Human Resources, WV Department of  
Core Behavioral Health Crisis Services System, 69 CSR 19

Health and Human Resources, WV Department of  
Child Care Centers Licensing, 78 CSR 01

Health and Human Resources, WV Department of  
Family Child Care Home Registration, 78 CSR 19

Health and Human Resources, WV Department of  
Informal and Relative Family Child Care Home Registration,  
78 CSR 20

Health and Human Resources, WV Department of  
Out Of School Time Child Care Center Licensing, 78 CSR 21

Health Care Authority, WV  
Uniform Bill Database, 65 CSR 34

Highways, WV Division of

Disposal, Lease and Management of Real Property and  
Appurtenant Structures and Relocation Assistance, 157 CSR 02

Insurance Commission, WV

Pharmacy Auditing Entities and Pharmacy Benefit Managers,  
114 CSR 99

Labor, WV Division of

Board of Manufactured Housing Construction and Safety Rule,  
42 CSR 19

Labor, WV Division of

Regulation of HVAC Work, 42 CSR 34

Labor, WV Division of

Registration of Service Persons and Service Agencies, 42 CSR  
35

Labor, WV Division of

Registration of Weighing and Measuring Devices Used by  
Businesses in Commercial Transactions, 42 CSR 36

Landscape Architects, Board of

Registration of Landscape Architects, 9 CSR 01

Motor Vehicles, WV Division of

Examination and Issuance of Driver's License, 91 CSR 04

Motor Vehicles, WV Division of

Denial, Suspension, Revocation, Disqualification, Restriction,  
Non-Renewal, Cancellation, Administrative Appeals and  
Reinstatement of Driving Privilege's, 91 CSR 05

Optometry, WV Board of

Optometric Telehealth Practice, 14 CSR 12

Pharmacy, WV Board of

Licensure and Practice of Pharmacy, 15 CSR 01

Pharmacy, WV Board of

Rule of the Board of Pharmacy for the Uniform Controlled Substances Act, 15 CSR 02

Pharmacy, WV Board of

Board of Pharmacy Rules for Registration of Pharmacy Technicians, 15 CSR 07

Pharmacy, WV Board of

Regulations Governing Pharmacy Permits, 15 CSR 15

Pharmacy, WV Board of

West Virginia Board of Pharmacy Inspections, 15 CSR 19

Pharmacy, WV Board of

Donated Drug Repository Program, 15 CSR 20

Registered Professional Nurses, WV Board of Examiners for

Advanced Practice Registered Nurse Licensure Requirements, 19 CSR 07

Registered Professional Nurses, WV Board of Examiners for

Limited Prescriptive Authority for Nurses in Advanced Practice, 19 CSR 08

Registered Professional Nurses, WV Board of Examiners for

Continuing Education and Competence, 19 CSR 11

Registered Professional Nurses, WV Board of Examiners for

Fees for Services Rendered by the Board, 19 CSR 12

Registered Professional Nurses, WV Board of Examiners for

Practitioner Requirements for Accessing the West Virginia Controlled Substances Monitoring, 19 CSR 14

Secretary of State

Early Voting In-Person Satellite Precincts, 153 CSR 13

Secretary of State

Combined Voter Registration and Driver Licensing Fund, 153 CSR 25

## Secretary of State

Administrative Procedures for the Nonpublic Funding for  
Election Administration Fund, 153 CSR 54

## State Police, WV

West Virginia State Police Professional Standards  
Investigations, 81 CSR 10

## Tax Department, WV State

Valuation of Producing and Reserve Oil, Natural Gas Liquids,  
and Natural Gas for Ad Valorem Property Tax Purposes, 110  
CSR 01J

## Tax Department, WV State

West Virginia Film Industry Investment Act, 110 CSR 13X

## Tax Department, WV State

Municipal Sales and Use Tax Administration, 110 CSR 28

## Treasurer's Office, WV State

Enforcement of the Uniform Unclaimed Property Act, 112 CSR  
05

## Treasurer's Office, WV State

Hope Scholarship Program, 112 CSR 18

## Treasurer's Office, WV State

Jumpstart Savings Program, 112 CSR 20

**The Committee submits the following legislative rule which was approved by the Committee in accordance with the provisions of West Virginia Code, §29A-3-11, with the recommendation that the proposed rule be authorized for the promulgation by the respective agency as modified with amendments:**

## DEP - Air Quality

Requirements for Operating Permits, 45 CSR 30

## Insurance Commission, WV

Bail Bondsmen in Criminal Cases, 114 CSR 103



Natural Resources, WV Division of  
Hunting, Fishing, and Other Outfitters and Guides, 58 CSR 11

Natural Resources, WV Division of  
Miscellaneous Permits and Licenses, 58 CSR 64

**The Committee submits the following legislative rule which was approved by the Committee in accordance with the provisions of West Virginia Code, §29A-3-11, with the recommendation that the proposed rule be authorized for the promulgation by the respective agency with amendments:**

Administration, WV Department of  
Parking, 148 CSR 06

Natural Resources, WV Division of  
Commercial Whitewater Outfitters, 58 CSR 12

**The Committee submits the following legislative rule which was approved by the Committee in accordance with the provisions of West Virginia Code, §29A-3-11, with the recommendation that the proposed rule be authorized for the promulgation by the respective agency as disapproved:**

Secretary of DHHR and Insurance Commissioner  
All Payers Claim Database, 114A CSR 03

### **Messages from the Senate**

A message from the Senate, by

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

**Com. Sub. for S. B. 202** - “A Bill to amend and reenact §20-1-16 of the Code of West Virginia, 1931, as amended, relating to increasing the term of members of the Natural Resources Commission from four to seven years”; which was referred to the Committee on Agriculture and Natural Resources then Government Organization.

A message from the Senate, by

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

**Com. Sub. for S. B. 254** - “A Bill to amend and reenact §17A-3-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §17A-6-10d of said code; to amend and reenact §17A-10-3a of said code; and to amend and reenact §17C-16-4, §17C-16-5, and §17C-16-6 of said code, all relating to changing the interval of annual mandatory inspections of motor vehicles, trailers, semitrailers, pole trailers, antique motor vehicles, and motorcycles to inspections every two years; doubling the charge for inspection stickers; and increasing the maximum fee for an inspection to \$19 to account for inflation”; which was referred to the Committee on Technology and Infrastructure then Finance.

A message from the Senate, by

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

**S. B. 276** - “A Bill to amend and reenact §15A-10-25 of the Code of West Virginia, 1931, as amended, relating to awarding the service weapon of a retiring State Fire Marshal, any full-time deputy fire marshal or any full-time assistant fire marshal employed by the State Fire Marshal to the retiree without charge when the retiring member honorably retires with at least 10 years of service or with less than 10 years of service based upon determination that the retiring employee is totally physically disabled as a result of service with the State Fire Marshal; prohibiting the award of a service weapon to a retiring employee whom the State Fire Marshal knows is prohibited from possessing a firearm, is mentally incapacitated, or a danger to any person or the community; authorizing the sale of service weapons that are taken out of service due to routine wear to any active or retired State Fire Marshal; providing that proceeds from the sales be used to offset the cost of new service weapons; and exempting the sale from the requirements of the Purchasing Division”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 292** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §35-1A-1, §35-1A-2, §35-1A-3, §35-1A-4, and §35-1A-5, all relating to creating the Health Care Sharing Ministries Freedom to Share Act; exempting health care sharing ministries from the state’s insurance laws; providing definitions; providing that membership in a health care sharing ministry satisfies a requirement to have health care insurance by a public institution of higher education; and providing that a health care sharing ministry is not a third-party payor”; which was referred to the Committee on Banking and Insurance then Health and Human Resources then the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 298** - “A Bill to amend and reenact §15-5-9 of the Code of West Virginia, 1931, as amended, relating to clarifying that mutual aid agreements can be entered into by local emergency services or organizations for reciprocal aid in bordering counties of other states for day-to-day support for fire and emergency medical service calls”; which was referred to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

A message from the Senate, by

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

**S. B. 510** - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance

in the State Fund, General Revenue, to the State Board of Education – State Department of Education, fund 0313, fiscal year 2023, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; which was referred to the Committee on Finance.

### **Resolutions Introduced**

The following resolutions were introduced and severally referred as follows:

**By Delegate Longanacre:**

**H. R. 9** – “Requesting United States Senator Joe Manchin, III and United States Senator Shelley Moore Capito to not support any infringement-not even the slightest-upon the Second Amendment to the Constitution of the United States, including ‘Red Flag Laws’ of any kind”; to the Committee on Rules.

And,

**By Delegates Ross, Lucas, Householder, Dillon, Dean, Worrell, Linville, Cannon, Chiarelli, Rohrbach and Warner:**

**H. R. 10** – “Urging that the Commissioner of Highways designate the completion of US 52 from Kenova, West Virginia, to Prichard, West Virginia, to be a high priority project”; to the Committee on Technology and Infrastructure then Rules.

**By Delegates Hanshaw (Mr. Speaker), Anderson, Brooks, Cannon, Chiarelli, Ellington, Foster, Garcia, Gearheart, A. Hall, Hornbuckle, Hott, Householder, Linville, Lucas, McGeehan, Phillips, Riley, Rohrbach, Smith, Statler, Steele, Storch, Street, Thorne, Vance, Warner, Westfall, Worrell, Young, and Zatezalo:**

**H. C. R. 11** – “Higher Education Consortium for Emerging Energy Technologies”; to the Committee on Rules.

**By Delegates Heckert, Criss, Zatezalo, Mallow, Crouse, Sheedy, Chiarelli, Devault, Warner, Fehrenbacher and W. Hall:**

**H. C. R. 12** – “Requesting that the Division of Highways place roadway welcome signs containing the phrase ‘West Virginia a Purple Heart State’ on highways at the entrance to West Virginia”; to the Committee on Technology and Infrastructure then Rules

**By Delegates Chiarelli, Devault, Warner, Householder, Sheedy, Horst, Mallow, Street, C. Pritt, Hillenbrand and Brooks:**

**H. C. R. 13** – “Designating the second week of February as ‘Boy Scouts of America Week’ in West Virginia”; to the Committee on Rules

On motion for leave, a Joint Resolution was introduced and referred as follows:

**By Delegate Young:**

**H. J. R. 22** – “Proposing an amendment to the Constitution of the State of West Virginia by amending section thirteen, article VI thereof, relating to eligibility to a seat in the Legislature and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

### **Bills Introduced**

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

**By Delegate Smith:**

**H. B. 3123** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer’s Office to promulgate a legislative rule relating to Hope Scholarship Program”; to the Committee on the Judiciary.

**By Delegates Capito, Vance, A. Hall, Gearheart, Smith, Ellington, Steele, Cooper, Kirby, Toney and Dean:**

**H. B. 3130** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2N-1, §5B-2N-2, §5B-2N-3, §5B-2N-4, §5B-2N-5, and §5B-2N-6,

relating to creating the West Virginia Coalfields Energy Research and Economic Development Authority; establishing purpose; setting membership of authority; creating powers and duties of authority; exempting authority from taxation; defining terms; mandating reporting; and providing confidentiality for certain information”; to the Committee on Energy and Manufacturing then Government Organization.

**By Delegate Hillenbrand:**

**H. B. 3131** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §47-10-6b, relating to updating the definition for how gasoline may be marketed and sold”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Ridenour, Foster, Kirby, Steele, Kimble, Honaker, Hillenbrand, Martin, Phillips, Kump and Zatezalo:**

**H. B. 3132** - “A Bill to amend and reenact §61-5A-9 of the Code of West Virginia, 1931, as amended, relating to increasing the penalties for bribery and corrupt practices; and disqualification to hold office”; to the Committee on the Judiciary.

**By Delegates Barnhart, Ferrell and Reynolds:**

**H. B. 3133** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, §11-13MM-3, §11-13MM-4, §11-13MM-5, §11-13MM-6, §11-13MM-7, §11-13MM-8, §11-13MM-9, §11-13MM-10, and §11-13MM-11, all relating to establishing a road or highway infrastructure improvement projects or coal production and processing facilities tax credit for taxpayers subject to the tax imposed by West Virginia code §11-13a-3; specifying a short title; specifying legislative findings and purpose for new credit; defining terms; specifying the amount of the credit, application of credit, and carry forward of unused credit; requiring filing of application for road or highway infrastructure improvement project credit as condition precedent to claiming credit, specifying procedure for application for certification, contents of application and limitation on maximum amount of credits which can be approved; specifying computation of qualified

investment in coal production and processing facilities; allowing transfer of credits to successors; providing for forfeiture of unused tax credits and redetermination of credit allowed; providing penalties for failure to maintain records of qualified property; and establishing an effective date”; to the Committee on Technology and Infrastructure then Finance.

**By Delegates Barnhart, Anderson, Jennings, Dittman, Kelly and Miller:**

**H. B. 3134** - “A Bill to amend and reenact §8-16-5 of the Code of West Virginia, 1931, as amended, relating to raising the threshold from \$25,000 to \$50,000 for the requirement of bids for municipal public works projects”; to the Committee on Political Subdivisions then Finance.

**By Delegates Westfall and Riley:**

**H. B. 3135** - “A Bill to amend and reenact §6-7-2 of the Code of West Virginia, 1931, as amended, relating to increasing compensation of designated constitutional officers, including for the Governor, Attorney General, Auditor, Secretary of State, Commissioner of Agriculture, and State Treasurer”; to the Committee on Finance.

**By Delegates Westfall, Honaker, Householder, Espinosa, Hardy, Riley, Clark, Hite, Martin and Storch:**

**H. B. 3136** - “A Bill to amend and reenact §11-16-6a of the Code of West Virginia, 1931, as amended, relating to brewer and resident brewer licenses; providing that a licensed brewer or resident brewer may not produce more than 50,000 barrels per calendar year at a brewer or resident brewer’s principle place of business and manufacture; clarifying that a licensed brewer or resident brewer may have multiple locations; and providing that licensed brewers and resident brewers may enter into contract brewing services agreements with another licensed brewer or resident brewer for purposes of sharing equipment or facilities as part of the manufacture of nonintoxicating beer or nonintoxicating craft beer”; to the Committee on Government Organization then the Judiciary.

**By Delegates Ridenour, Steele, Foster, Kirby, Kimble, Honaker, Warner, Martin, Phillips, Kump and Zatezalo:**

**H. B. 3137** - “A Bill to amend and reenact §61-14-1 and §61-14-7 of the Code of West Virginia, 1931, as amended, all relating to human trafficking, adding a definition for ‘illegal alien’; general provisions and penalties; and providing that illegal aliens are not eligible for restitution”; to the Committee on the Judiciary.

**By Delegate C. Pritt:**

**H. B. 3138** - “A Bill to amend and reenact §50-1-9 of the Code of West Virginia, 1931, as amended, relating to permitting magistrate assistants to assess and process fines for basic charges”; to the Committee on the Judiciary.

**By Delegate C. Pritt:**

**H. B. 3139** - “A Bill to amend and reenact §48-9-401 of the Code of West Virginia, 1931, as amended, relating to modifications of a parenting plan order for substance abuse”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

**By Delegate C. Pritt:**

**H. B. 3140** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-4-18, relating to empowering the Treasurer to invest in gold and silver”; to the Committee on Banking and Insurance then Finance.

**By Delegates Summers and Tully:**

**H. B. 3141** - “A Bill to amend and reenact §30-4-3 and §30-4-8a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-4-25; all relating to the practice of dentistry; providing for updated definitions; modifying the requirements of dental specialists; and specifying duties during declared public health emergencies”; to the Committee on Health and Human Resources.

**By Delegate C. Pritt:**

**H. B. 3142** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-2A-25, all relating to the ability of family courts to order services provided by the Department of Health and Human Resources; and



the costs for those services remain expenses of the department”; to the Committee on the Judiciary.

**By Delegates C. Pritt and Kimble:**

**H. B. 3143** - “A Bill to amend and reenact §5A-1-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-3-4 of said code; and to amend said code by adding thereto a new section, designated §18B-1-12, all relating to exemptions from mandated immunizations for religious reasons”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates C. Pritt and Kimble:**

**H. B. 3144** - “A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating to prohibiting mandatory vaccinations for school children”; to the Committee on Education then the Judiciary.

**By Delegates Storch, Howell, Clark and Linville:**

**H. B. 3145** - “A Bill to amend and reenact §29-1A-2 of the Code of West Virginia, 1931, as amended, relating to recognizing the Commission on Uniform State Laws as a deemed presumptive provider of continuing education and session attendance at its annual meeting shall be deemed continuing education credit for commissioners”; to the Committee on the Judiciary.

**By Delegates Storch, Howell, Clark and Linville:**

**H. B. 3146** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto the following new article, designated as §6-9C-1, §6-9C-2, §6-9C-3, §6-9C-4, §6-9C-5, §6-9C-6, §6-9C-7, §6-9C-8, and §6-9C-9, and §6-9C-10, all relating to adopting the Model Public Meetings During Emergencies Act; setting forth short title; defining terms; providing for virtual meetings; providing mechanism for authorization of virtual meetings; setting forth rules for, and conduct of virtual meetings; providing for public observation of, and public participation in, virtual meetings; providing for notice of virtual meetings; providing for rules governing same and exceptions; providing for procedural rules governing conduct of same; and establishing relation to the Electronic Signatures in Global and National Commerce Act”; to the Committee on the Judiciary.

**By Delegates Storch, Howell and Clark:**

**H. B. 3147** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-17B-1, §20-17B-2, §20-17B-3, §20-17B-4, and §20-17B-5, all relating to the creation of the Upper Ohio Valley Trail Network Recreation Authority; providing for legislative findings and purpose; providing for the continuation of the Upper Ohio Valley Trail Network Recreation Authority and the establishment of the recreation area; providing recreational purposes; providing for a governing body and expenses; and providing for protection for private landowners”; to the Committee on Economic Development and Tourism.

**By Delegates Storch, Marple, Anderson, E. Pritt and C. Pritt:**

**H. B. 3148** - “A Bill to amend and reenact §8-22-20 of the Code of West Virginia, 1931, as amended, all relating to prohibiting municipalities from using the conservation method of financing for their municipal policemen’s and firemen’s pension and relief funds; and providing that a municipality may convert to either the optional method or optional II method of financing”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Storch, Howell and Clark:**

**H. B. 3149** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §56-13-1, §56-13-2, §56-13-3, §56-13-4, §56-13-5, §56-13-6, §56-13-7, §56-13-8, §56-13-9, §56-13-10, §56-13-11, §56-13-12, §56-13-13, §56-13-14, §56-13-15, §56-13-16, §56-13-17, §56-13-18, §56-13-19, §56-13-20, §56-13-21, §56-13-22, §56-13-23, and §56-13-24, all relating to adopting the uniform collaborative law act; setting forth short title; defining terms; clarifying applicability; setting forth requirements for a collaborative law participation agreement; defining the beginning and concluding of the collaborative law process; providing for stay of pending proceedings; providing guidance for emergency protective orders; providing for approval of agreement by tribunal; disqualification of collaborative lawyer and lawyers in associated law firm; setting forth standards concerning low-income parties; setting forth standards concerning

a governmental entity as party; setting forth standards concerning disclosure of information; providing that standards of professional responsibility and mandatory reporting not affected; defining the appropriateness of collaborative law process; providing special standards concerning a coercive or violent relationship; providing for the confidentiality of collaborative law communication; enumerating a privilege against disclosure for collaborative law communication and for its admissibility and discovery of the same; providing for a waiver and preclusion of this privilege; defining the limits of this privilege; setting the authority of a tribunal in case of noncompliance; providing for uniformity of application and construction; establishing relation to the electronic signatures in global and national commerce act; and setting effective date”; to the Committee on the Judiciary.

**By Delegate C. Pritt:**

**H. B. 3150** - “A Bill to amend and reenact §52-1-11 of the Code of West Virginia, 1931, as amended, relating to permitting business owners to have the ability to be excused from jury duty service”; to the Committee on the Judiciary.

**By Delegates Kelly, Jennings, Kimble, Worrell, Honaker, Shamblin, Garcia, Westfall and Hott:**

**H. B. 3151** - “A Bill to amend and reenact §15-10-4 of the Code of West Virginia, 1931, as amended, relating to assisting any law enforcement officer in an emergency at the request of a responding officer; and allowing officers to perform police functions out of jurisdiction on request in emergency circumstances”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

**By Delegates Kelly, Honaker, Worrell and Hott:**

**H. B. 3152** - “A Bill to amend and reenact §17C-5-4, §17C-5-5, §17C-5-6a, §17C-5-8, and §17C-5-10 of the Code of West Virginia, 1931, as amended, all relating to driving under the influence; making the West Virginia State Police Forensic Laboratory the certifying entity for secondary chemical tests, method and administration of secondary chemical tests, and approval of preliminary breath analysis devices and use; eliminating rule-making authority of the Bureau of Public Health;

providing rule-making authority for the State Police; correcting blood alcohol levels related to juveniles; removing propoxyphene from the list of substances tested for in a chemical analysis of blood; eliminating outdated references to urine collection and analysis; and making technical corrections”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

**By Delegates Jennings, Mallow, Hillenbrand and Warner:**

**H. B. 3153** - “A Bill to amend and reenact §29-3E-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §33-3-14d and §33-3-33 of said code; and to amend and reenact §33-12C-7 of said code, all relating to distribution of certain taxes and surcharges to benefit volunteer and part-volunteer fire departments and emergency medical services providers; defining terms; providing method of allocation and distribution for proceeds of fireworks safety fee deposited in Fire Protection Fund; eliminating obsolete language; increasing surcharge on fire and casualty policies; providing method of allocation of policy surcharge; requiring the State Fire Marshal provide certain information to the State Treasurer; increasing tax on surplus lines policies; providing method of allocation of surplus lines policy tax; and clarifying requirements for distribution of funds in Fire Protection Fund”; to the Committee on Fire Departments and Emergency Medical Services then Finance.

**By Delegates Walker, Rowe and Hansen:**

**H. B. 3154** - “A Bill to amend and reenact §21-5C-2 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum wage to \$10 per hour”; to the Committee on Workforce Development then Economic Development and Tourism.

**By Delegates Walker and E. Pritt:**

**H. B. 3155** - “A Bill to amend and reenact §18B-4-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18C-9-5, all relating to encouraging veterans of the Armed Forces of the United States to attend institutions of higher education using the WV Invests Grant; and clarifying the residency requirement for eligibility”; to the Committee on Education then Finance.

**By Delegates Steele, Nestor, Fast, Kirby, Riley, C. Pritt, Hanna, Holstein, Dean, Shamblin and Householder:**

**H. B. 3156** - “A Bill to amend and reenact §29-21-13a of the Code of West Virginia, 1931, as amended, by raising the compensation rates of panel attorneys; raise the compensation rates for investigators; and for dismissed or not guilty charge expungement only, providing the panel attorney to continue providing representation after the dismissal to achieve the expungement”; to the Committee on the Judiciary then Finance.

**By Delegates Jennings, Smith, Ridenour, Phillips, Honaker, McGeehan, Butler, Hillenbrand and Hanshaw (Mr. Speaker):**

**H. B. 3157** - “A Bill to amend and reenact §15A-12-1, §15A-12-2, §15A-12-3, §15A-12-4, §15A-12-5 and §15A-12-7 of the Code of West Virginia, 1931, as amended, all generally relating to clarifying security clearance and/or non-disclosure agreement requirements, the duties, functions, reporting requirements, prohibitions and restrictions applicable to the West Virginia Fusion Center and to add certain criminal penalties for violations of prohibitions and restrictions applicable to the West Virginia Fusion Center”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

**By Delegates Ferrell, Jeffries, Phillips, Honaker, Fehrenbacher, Barnhart, Storch, Rohrbach, Heckert, Foggin and Worrell:**

**H. B. 3158** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-6-26, relating to unlawful panhandling and solicitation; exempting fire departments; and providing misdemeanor penalties”; to the Committee on the Judiciary.

**By Delegate Young:**

**H. B. 3159** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-20-1, relating to providing Covid-19 supplemental sick leave; defining terms; and establishing entitlement to Covid-19 supplemental sick leave”; to the Committee on Finance.

## Special Calendar

### Second Reading

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

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

### **“ARTICLE 29. LAW-ENFORCEMENT TRAINING AND CERTIFICATION.**

#### **§30-29-3. Duties of the subcommittee.**

(a) The subcommittee shall, by or pursuant to rules proposed for legislative approval in accordance with §29A-3-1 *et seq.* of this code:

(1) Provide funding for the establishment and support of law-enforcement training academies in the state;

(2) Establish standards governing the establishment and operation of the law-enforcement training academies, including regional locations throughout the state, in order to provide access to each law-enforcement agency in the state in accordance with available funds;

(3) Establish minimum law-enforcement instructor qualifications;

(4) Certify qualified law-enforcement instructors;

(5) Maintain a list of approved law-enforcement instructors;

(6) Promulgate standards governing the training, firearms qualification, and initial and ongoing professional certification of law-enforcement officers and the entry-level, law-enforcement training curricula. These standards shall require satisfactory

completion of a minimum of 800 classroom hours as promulgated by legislative rule and shall provide that the required classroom hours shall be accumulated on the basis of a full-time curricula;

(7) Establish standards governing in-service, law-enforcement officer training curricula and in-service supervisory level training curricula;

(8) Certify organized criminal enterprise investigation techniques with a qualified anti-racial profiling training course or module;

(9) Establish standards governing mandatory training to effectively investigate organized criminal enterprises as defined in §61-13-1 *et seq.* of this code while preventing racial profiling, as defined in §30-29-10 of this code, for entry-level training curricula and for law-enforcement officers who have not received such training as certified by the subcommittee as required in this section;

(10) Establish procedures for implementation of a course in investigation of organized criminal enterprises which includes an anti-racial training module to be available on the Internet or otherwise to all law-enforcement officers. The procedures shall include the frequency with which a law-enforcement officer shall receive training in investigation of organized criminal enterprises and anti-racial profiling and a time frame for which all law-enforcement officers must receive such training: *Provided*, That all law-enforcement officers in this state shall receive such training no later than July 1, 2012. In order to implement and carry out the intent of this section, the subcommittee may promulgate emergency rules pursuant to §29A-3-15 of this code;

(11) Certify or decertify or reactivate law-enforcement officers, as provided in §30-29-5 and §30-29-11 of this code;

(12) Establish standards and procedures for the reporting of complaints and certain disciplinary matters concerning law-enforcement officers and for reviewing the certification of law-enforcement officers. These standards and procedures shall provide for preservation of records and access to records by law-

enforcement agencies and conditions as to how the information in those records is to be used regarding an officer's law-enforcement employment by another law-enforcement agency:

(A) The subcommittee shall establish and manage a database that is available to all law-enforcement agencies in the state concerning the status of any person's certification.

(B) Personnel or personal information not resulting in a criminal conviction is exempt from disclosure pursuant to the provisions of chapter 29B of this code;

(13) Seek supplemental funding for law-enforcement training academies from sources other than the fees collected pursuant to §30-29-4 of this code;

(14) Any responsibilities and duties as the Legislature may, from time to time, see fit to direct to the subcommittee;

(15) Establish standards and procedures for initial and ongoing training for law-enforcement officers responsible for investigating sexual assault cases involving adult victims. This training shall include instruction on:

(A) The neurobiology of trauma;

(B) Trauma-informed interviewing; and

(C) Investigative techniques;

(16) Submit, on or before September 30 of each year, to the Governor, the Speaker of the House of Delegates, the President of the Senate, and, upon request, to any individual member of the Legislature, a report on its activities during the previous year, and an accounting of funds paid into and disbursed from the special revenue account established pursuant to §30-29-4 of this code;

(17) Develop and promulgate rules for state, county, and municipal law-enforcement officers, law-enforcement agencies, and communications and emergency operations centers that dispatch law-enforcement officers with regard to the identification,



investigation, reporting, and prosecution of suspected child abuse and neglect: *Provided*, That such rules and procedures must be consistent with the priority criteria prescribed by generally applicable department procedures; and

(18) Make recommendations to the Governor's Committee on Crime, Delinquency, and Correction for legislation related to the subcommittee's duties and responsibilities, or for research or studies by the Division of Administrative Services on topics related to the subcommittee's duties and responsibilities.

(19) Promulgate standards governing the training, firearms qualification, and initial and ongoing professional certification of a tactical medical professional, as defined in §30-43-1 of this code, on or before January 1, 2024. This training program shall include awarding a certificate upon successful completion of the program that qualifies the tactical medical professional to carry a firearm while on duty.

(b) In addition to the duties authorized and established by this section, the subcommittee may:

(1) Establish training to effectively investigate human trafficking offenses as defined in §61-2-1 *et seq.* of this code for entry-level training curricula and for law-enforcement officers who have not received such training as certified by the committee as required by this section; and

(2) Establish procedures for the implementation of a course in investigation of human trafficking offenses. The course may include methods of identifying and investigating human trafficking and methods for assisting trafficking victims. In order to implement and carry out the intent of this subdivision, the committee may promulgate emergency rules pursuant to §29A-3-15 of this code.

(c) Notwithstanding any provision of this code to the contrary, the subcommittee may deny an application for the establishment of a new law-enforcement training academy if it is determined by the subcommittee that no actual need exists for the establishment of

additional law-enforcement training academies to meet the needs of existing law-enforcement agencies in the state.

## **ARTICLE 43. TACTICAL MEDICAL PROFESSIONALS.**

### **§30-43-1. Definitions.**

As used in this article:

(1) ‘Tactical medical professional’ means a person who is an emergency medical service personnel, as defined in §16-4C-1 *et seq.* of this code, a nurse as defined in §30-7-1 *et seq.* of this code, a physician as defined in §30-3-4 or §30-14-1 *et seq.* of this code, or a physician assistant licensed pursuant to §30-3E-1 *et seq.* of this code, who is trained and certified in a nationally recognized tactical medical training program that is equivalent to Tactical Combat Casualty Care and Tactical Emergency Medical Support and who functions in the tactical or austere environment while attached to a law-enforcement agency of either this state or a political subdivision of this state.

### **30-43-2. Tactical medical professional may carry firearm. (a)**

A tactical medical professional may carry firearms while on duty in the same manner, to the same extent, and in the same areas as a law-enforcement officer of the law-enforcement agency the professional is serving, if:

(1) The law-enforcement agency that the tactical medical professional is serving has specifically authorized the professional to carry firearms while on duty; and

(2) The tactical medical professional has been awarded a certificate by the Law Enforcement Professional Standards Subcommittee of the Governor’s Committee on Crime, Delinquency and Correction as provided for in §30-29-3 of this code, which certificate attests to satisfactory completion of law-enforcement training program that qualifies the tactical medical professional to carry firearms while on duty.

### **§30-43-3. Tactical medical professional protection from civil or criminal liability.** A tactical medical professional to whom

this article applies and who is carrying one or more firearms under authority of this article has protection from potential civil or criminal liability for any conduct occurring while carrying the firearm or firearms to the same extent as a law enforcement officer of the law-enforcement agency the tactical medical professional is serving has such protection.”

The bill was then ordered to third reading.

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

**Com. Sub. for H. B. 2017**, Relating to service of process in child abuse cases; on second reading, coming up in regular order, was, at the request of Delegate Householder, and by unanimous consent, postponed one day.

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

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

On motion of Delegate Young, the bill was amended on page 2, Section 601, on line 3 by striking out the word "or" and inserting the following "(2) Either party was under the age of 18 when the marriage occurred; or"

And,

On page 2, Section 601, line 4 by striking out the number "(2)" and inserting in lieu thereof, the number "(3)".

The bill was then ordered to engrossment and third reading.

**H. B. 2510**, To establish the Rare Earth Element and Critical Mineral Investment Tax Credit Act; on second reading, coming up

in regular order, was, at the request of Delegate Householder, and by unanimous consent, postponed one day.

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

On motion of Delegate Fast, the bill was amended on page 2, section 2, line 18, by striking the word “spectators,”

And

On page 2, section 2, line 20, by inserting the words “, and spectators, except spectators in the spectator area” following the word “facility”.

And

On page 4, section 4, line 23, inserting thereafter a new section designated §20-19-4a to read as follows:

**“§20-19-4a. Duties of spectators who are not participating.**

All spectators who are not participants shall comply with the rules or regulations established for use by the motorsport operator.”

And

On page 4, section 5, line 1, by inserting the words “to a participant” following the words “damage caused”

And

On page 4, section 5, line 4, by inserting the words “to a participant” following the word “damage”

And

On page 4, section 5, line 6, by inserting the words “to a participant” following the word “damage”.

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 2596**, To modify when a nonresident student's transfer may be denied; on second reading, coming up in regular order, was, at the request of Delegate Householder, and by unanimous consent, postponed one day.

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

**Com. Sub. for H. B. 2850**, Relating to students with exceptional needs; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 2890**, Modifying student discipline; 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 the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

### **First Reading**

**S. B. 207**, Relating to state allocation of funding to regional councils, coming up in regular order, was read a first time and ordered to second reading,

**H. B. 2613**, Relating to the administration of anesthetics, coming up in regular order, was read a first time and ordered to second reading,

**Com. Sub. for H. B. 2832**, Clarifying appropriate and inappropriate duties for school counselors while also providing the definition of a school counselor; on first reading, coming up in regular order, was, at the request of Delegate Householder, and by unanimous consent, postponed one day.

**Com. Sub. for H. B. 2870**, Correcting a reference relating to siting certificates for certain electric generating facilities, coming up in regular order, was read a first time and ordered to second reading,

**Com. Sub. for H. B. 3061**, Relating to updating the authority of the Foster Care Ombudsman, coming up in regular order, was read a first time and ordered to second reading.

### **Miscellaneous Business**

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

**H. B. 2062**: Delegates Ferrell, Hardy, Hanshaw and Storch;

**H. B. 2152**: Delegate Hillenbrand;

**H. B. 2193**: Delegate Hillenbrand;

**H. B. 2619**: Delegate Brooks;

**H. B. 2940**: Delegate Hillenbrand;

**H. B. 2997**: Delegate Brooks;

**H. B. 3070**: Delegate Hillenbrand;

**H. B. 3093**: Delegate Hillenbrand;

**H. B. 3094**: Delegate Hillenbrand;

**H. B. 3097**: Delegate Hillenbrand;

**H. B. 3102**: Delegate Hillenbrand;

**H. B. 3106**: Delegate Hillenbrand;

**H. B. 3120**: Delegates Heckert and Hillenbrand;

**H. B. 3124**: Delegate Hillenbrand;

**H. B. 3140**: Delegate Kump;

**H. B. 3143:** Delegate Kump;

And,

**H. B. 3144:** Delegate Kump.

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

**H. B. 2594:** Delegate Kirby.

At 11:56 a.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, January 31, 2023.

---

Tuesday, January 31, 2023

**TWENTY-FIRST DAY**

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

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

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

The Clerk proceeded to read the Journal of Monday, January 30, 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 Jeffries announced that Com. Sub. for H. B. 2017 and H. B. 2510, on Second Reading, Special Calendar, had been transferred to the House Calendar.

**Committee Reports**

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

Your Committee on Government Organization has had under consideration:

**H. B. 2768**, To require all state entities and Chapter 30 boards to use “.gov” domains and e-mail addresses,

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

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



Your Committee on Government Organization has had under consideration:

**H. B. 3091**, Requiring counties provide fiscal information for State Auditor's WV Checkbook website,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3091** - "A Bill to amend and reenact §6-9B-1, §6-9B-3, and §6-9B-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §6-9B-5 and §6-9B-6, all relating to requiring certain entities to provide information to the State Auditor for inclusion on the financial transparency website; requiring government agencies and counties to provide certain information to the State Auditor; providing that certain county financial information is to be included on the financial transparency website; requiring the State Auditor to make counties' financial information publicly available on the financial transparency website; requiring counties to submit certain financial information to the State Auditor; setting forth the information that counties are required to send; specifying when the information must be sent; requiring the State Auditor to publicly identify any county that fails to comply with certain requirements; granting the State Auditor the authority to promulgate legislative rules to implement the provisions of this article,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Education has had under consideration:

**H. B. 2941**, To extend the end date of the State Advisory Council on Postsecondary Attainment Goals,

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

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

Your Committee on Education has had under consideration:

**H. B. 2942**, Relating to revocation of school personnel certification,

And,

**S. B. 130**, Anti-Racism Act of 2023,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2942 and S. B. 130) were each referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration:

**H. B. 2279**, Relating to granting in-state resident status to economic development participants,

And,

**H. B. 2828**, Relating to WV teaching salaries,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2279 and H. B. 2828) were each referred to the Committee on Finance.

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

Your Committee on Education has had under consideration:

**H. B. 2598**, Raising salaries for school service personnel,

And,

**H. B. 2989**, Relating to increasing the number of out-of-state medical students receiving in-state tuition rates who agree to practice for a specific time within West Virginia,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2598 and H. B. 2989) were each referred to the Committee on Finance.

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

Your Committee on Education has had under consideration:

**H. B. 2380**, Relating to School Building Authority,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2380** - "A Bill to repeal §18-9D-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-9A-10 of said code; and to amend and reenact §18-9D-2, §18-9D-3, §18-9D-4, §18-9D-6, §18-9D-7, §18-9D-8, §18-9D-9, §18-9D-13, §18-9D-15, and §18-9D-19 of said code, all relating to removing or revising obsolete, outdated, antiquated, inoperative, surplus or superseded provisions relating to defining terms; allowing funding directly to school construction fund instead of through school aid formula; removing references to regional education service agencies; removing authority to issue general obligation bonds; closing capital improvements fund and transferring funding to school construction fund; requiring authority to request appropriation; repealing authority to offer higher education savings plans; providing purposes and revenue

sources for other funds and use of proceeds of bonds; and removing findings related to comprehensive high schools,”

And,

**H. B. 2443**, Relating to service employees with National Association for Pupil Transportation Certifications,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2443** - “A Bill to amend and reenact §18A-4-8 of the Code of West Virginia, 1931, as amended; and to further amend said code by adding thereto a new section, designated §18A-4-23, relating to providing minimum experience requirement for director or coordinator of services class title involving school transportation; providing eligibility for candidates for professional employee positions involving supervision of a county transportation department; making any service employee who is certified as a Director or Supervisor of Pupil Transportation by the National Association for Pupil Transportation Certification; and requiring county boards to consider such candidates,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2004**, Prevent the use of payment card processing systems for surveillance of Second Amendment activity and discriminatory conduct,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2004** - “A Bill to amend and reenact §31A-2A-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §31A-2B-1; §31A-2B-2, §31A-2B-3, §31A-2B-4, §31A-2B-5,

§31A-2B-6, §31A-2B-7, §31A-2B-8, §31A-2B-9, and §31A-2B-10, all relating generally to payment card transactions involving firearm, firearm accessory or component, and ammunition retailers; clarifying that financial records may not be disclosed or compelled to be disclosed in a manner that discriminates against certain constitutionally protected activity; providing a short title; setting forth legislative findings and intent; defining terms; prohibiting disclosure of protected financial information except in limited circumstances; allowing for written authorization for disclosure of protected financial information; establishing requirements for subpoenas of protected financial information; prohibiting use of protected financial information for certain discriminatory conduct; providing civil remedies for violation of new article with liquidated or compensatory damages; allowing an aggrieved party in a civil action to recover attorney's fees and injunctive relief for violations; limiting defenses available to civil remedies; establishing a statute of limitations for civil remedies; providing that civil remedies are exclusive for violations; authorizing the Commissioner of Financial Institutions to enforce requirements subject to certain limitations; authorizing the State Treasurer to disqualify financial institutions from certain state contracts if violations have occurred; establishing the scope of new requirements; and providing a severability clause,"

**H. B. 2007**, Prohibiting certain medical practices,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2007** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-20; and to amend said code by adding thereto a new section, designated §30-14-17, all relating to prohibiting certain medical practices; providing definitions; providing that allopathic and osteopathic physicians may not provide irreversible gender reassignment surgery or gender altering medication as defined herein to a person who is under eighteen years of age; and providing criteria for certain limited exceptions to this rule,"

And,

**H. B. 2008**, Requiring local entities to enforce immigration laws,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2008** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-15-1, §15-15-2, §15-15-3, §15-15-4, §15-15-5, §15-15-6, §15-15-7, §15-15-8, §15-15-9, §15-15-10, and §15-15-11, all relating to requiring state entities, local entities and law enforcement agencies to cooperate with the enforcement of immigration laws; providing for definitions; requiring that entities and agencies not prohibit the enforcement of immigration laws or cooperation with other governmental agencies to enforce immigration laws; providing for complaint procedures; providing for mandatory duties regarding immigration detainees; providing for actions to ensure compliance; providing for ineligibility for state funds; providing for rulemaking authority for the State Auditor; providing for mandatory agreements; providing for the Attorney General to defend good-faith compliance under certain circumstances; providing for a civil cause of action for damages; providing for a duty to report and Whistle-Blower protections; providing for prohibiting discrimination; and providing for severability,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Rules has had under consideration:

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

And,

**H. C. R. 13**, Make 2nd week of February of every year a week of recognition of the Boy Scouts of America,

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

### **Messages from the Senate**

A message from the Senate, by

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

**Com. Sub. for S. B. 51** - “A Bill to amend and reenact §18-5-13a of the Code of West Virginia, 1931, as amended, relating to requiring an impact statement in certain instances of a school closing or consolidation; requiring, in instances where an impact statement is required, county board of education to give the impact statement substantial weight when making a decision on any proposal to close or consolidate a school; requiring State Board of Education rule detailing information that a county board is required to include as part of its impact statement; setting forth minimum requirements for the rule; and providing that amended provisions do not apply to projects currently in progress or approved by the county board of education”; which was referred to the Committee on Education.

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. 143**, Relating to Adopt-A-Stream Program.

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 from passage, of

**S. B. 231**, Transferring administration of WV Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program to Department of Economic Development.

A message from the Senate, by

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

**Com. Sub. for S. B. 239** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-31 relating to requiring the Commissioner of the Bureau for Behavioral Health to engage behavioral health providers, substance use disorder providers, municipal leaders, and county government leaders to study a breakdown of homeless demographic information throughout West Virginia; reporting the findings of the study to the President of the Senate, Speaker of the House of Delegates, and the Joint Committee on Government and Finance; and providing a date report is due”; which was referred to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources.

A message from the Senate, by

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

**S. B. 241** - “A Bill to amend and reenact §16-62-2 of the Code of West Virginia, 1931, as amended, relating to making the investigation and enforcement of the Patient Brokering Act the responsibility of the Office of Health Facility Licensure and Certification (OHFLAC); and requiring OHFLAC to develop a tool to facilitate public complaints about the Patient Brokering Act”; which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

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

**Com. Sub. for S. B. 243** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-53-4, relating to requiring substance use disorder



inpatient providers to provide transportation to their patients”; which was referred to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources.

A message from the Senate, by

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

**Com. Sub. for S. B. 248** - “A Bill to amend and reenact §30-1-10 of the Code of West Virginia, 1931, as amended, relating to when excess funds accumulated by boards are to be transferred to the General Revenue Fund of the State Treasury; providing for an alternative to the excess funds transfer; and providing for rulemaking”; which was referred to the Committee on Finance.

A message from the Senate, by

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

**S. B. 251** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-34-1, relating to the display of the official motto of the United States in public elementary and secondary schools and in institutions of higher education”; which was referred to the Committee on Education then the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 258** - “A Bill to amend and reenact §46B-2-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §46B-3-8 of said code, all relating to the elimination of the maximum fair market value ceiling on consumer goods subject to the regulation of rent-to-own agreements provided for in this article; and permitting a dealer to require a security deposit for

those items”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 270** - “A Bill to amend and reenact §61-12-9 of the Code of West Virginia, 1931, as amended, relating to adding an exemption to the permit requirement for cremation”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

**Com. Sub. for S. B. 271** - “A Bill to amend and reenact §29-32-2 of the Code of West Virginia, 1931, as amended, relating to modifying the approval process requirements for the First Responders Honor Board to allow for submission of nominations for consideration by the Legislature during other sessions of the Legislature, not just before first day of next regular legislative session”; which was referred to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

A message from the Senate, by

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

**Com. Sub. for S. B. 282** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-28, relating to safety in public schools; creating the West Virginia Guardian Program; setting out purpose of the program; allowing county school boards to contract for participation in the program; defining terms; setting out the

authority of independent contractors participating in the program; providing for requirements for participation; providing exclusions from participation; setting forth a limitation of liability; providing the exemptions from purchasing requirements; and providing for exclusions from state benefit programs”; which was referred to the Committee on Education then the Judiciary.

A message from the Senate, by

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

**S. B. 283** - “A Bill to amend and reenact §21A-2C-1, §21A-2C-2, §21A-2C-3, §21A-2C-4, §21A-2C-5, and §21A-2C-6 of the Code of West Virginia, 1931, as amended, all relating to renaming the act to the Military Incentive Program and extending this program to certain veterans, members of the West Virginia National Guard, and the reserve members of the United States; updating definitions; naming Work Force West Virginia as the only agency administering this program; and establishing rulemaking”; which was referred to the Committee on Veterans’ Affairs and Homeland Security then Finance.

A message from the Senate, by

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

**Com. Sub. for S. B. 439** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-34-1, §22-34-2, §22-34-3, §22-34-4, and §22-34-5, all relating to establishing a design-build program for the Department of Environmental Protection; providing a short title; establishing a design-build pilot program; directing secretary to promulgate procedural rule to implement program; requiring secretary to follow rule implementing design-build program; establishing a process for invitation of bids from prequalified design-builders; providing for acceptance of bid and awarding contract; requiring report to Joint Committee on Government and Finance; and providing for sunset provision”; which was referred

to the Committee on Energy and Manufacturing then Technology and Infrastructure.

### **Bills Introduced**

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

**By Delegates C. Pritt, Kelly, Capito, Summers, Espinosa, Hardy, Tully, Toney, Smith, Fehrenbacher and Mallow:**

**H. B. 2010** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting the full amount of social security benefits received pursuant to Title 42 U.S.C., Chapter 7 from personal income taxation, rather than the first \$50,000 for individuals or \$100,000 for couples”; to the Committee on Finance.

**By Delegate Pushkin:**

**H. B. 3160** - “A Bill to amend and reenact §49-4-601b of the Code of West Virginia, 1931, as amended, relating to providing that records of Department of Health and Human Services of sustained and nonsustained allegations of child abuse or neglect are preserved; establishing timeframes for preservation depending on whether the allegations are sustained or not sustained and the severity of the degree of abuse or neglect”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Ross and Lucas:**

**H. B. 3161** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4, and §5-30-5, all relating to state recognition of Native American Tribes; defining terms; designating certain tribes as recognized by the state; establishing criteria for state recognition of additional tribes; authorizing unique trademarks for certain arts and crafts; prohibiting gambling and/or reservations; and providing penalty for unauthorized use of trademark”; to the Committee on Government Organization then the Judiciary.

**By Delegates Ross, Hanna and Keaton:**

**H. B. 3162** - “A Bill to amend and reenact §22-15-10 of the Code of West Virginia, 1931, as amended, relating to increasing the criminal penalty for littering and open dumping; and providing for a time to correct the offense”; to the Committee on the Judiciary.

**By Delegates Summers and Tully:**

**H. B. 3163** - “A Bill to amend and reenact §48-1-205 of the Code of West Virginia, 1931, as amended; and to amend and reenact §48-13-301, §48-13-303, §48-13-403, §48-13-404, and §48-13-501 of said code; all relating generally to the child support guidelines and the Support Enforcement Commission; clarifying circumstances for attributed income; updating monthly basic child support obligations to reflect 2022 financial data; updating income amount requiring manual calculation to determine basic child support obligation; updating amount for the ability to pay calculation and self-support reserve; and amending the multiplier for extended shared parenting adjustment”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

**By Delegates Summers and Tully:**

**H. B. 3164** - “A Bill to amend and reenact §16-5CC-3 of the Code of West Virginia of 1931, as amended, to extend the termination date of the West Virginia Advisory Council on Rare Diseases”; to the Committee on Health and Human Resources.

**By Delegate Linville:**

**H. B. 3165** - “A Bill to amend and reenact §17A-10-8 of the Code of West Virginia, 1931, as amended, relating to vehicles exempt from payment of registration fees, by lowering the percentage of a service-connected disability required for exemption from 100 percent to 50 percent or greater; and, by adding recipients of the Distinguished Service Cross, Navy Cross, or Air Force Cross, to the list of persons who may receive such exemption”; to the Committee on Technology and Infrastructure then Finance.

**By Delegates Summers and Tully:**

**H. B. 3166** - “A Bill to amend and reenact §27-5-2a of the Code of West Virginia, 1931, as amended, relating to a hospital holding a patient for a certain period of time”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Hanshaw (Mr. Speaker) and Hornbuckle  
[By Request of the Executive]:**

**H. B. 3167** - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the State Board of Education – State Department of Education, fund 0313, fiscal year 2023, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

**By Delegates Criss and Hanshaw (Mr. Speaker):**

**H. B. 3168** - “A Bill to amend and reenact §5B-2E-3, §5B-2E-5, §5B-2E-6, §5B-2E-7, and §5B-2E-7a of the Code of West Virginia, 1931, as amended; all relating to amending and modernizing the Tourism Development Act; providing a mechanism by which a project may amend the date by which it is to be complete; extending the applicable tax credit term from ten years to fifteen years; authorizing an additional ten-year term for companies to continue taking authorized and outstanding tax credits; and making other technical corrections”; to the Committee on Economic Development and Tourism then Finance.

**By Delegates Howell, Clark, Hornby, Thorne, Ferrell,  
Jeffries and W. Hall:**

**H. B. 3169** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, §11-13MM-3, and §11-13MM-4; and to amend said by adding thereto a new section designated §17-16A-29a; all relating to creating a Distribution Center Refundable Toll Payments Tax Credit Act; providing for use of RFID Tag Reader or comparable systems at qualified distribution centers to compile toll payments refundable as a tax credit; creating rules; and

providing for an effective date”; to the Committee on Economic Development and Tourism then Finance.

**By Delegates Clark, Hornby, C. Pritt, Thorne, Ferrell, Jeffries and W. Hall:**

**H. B. 3170** - “A Bill to amend and reenact §8-12-5 of the Code of West Virginia, 1931, as amended, relating to prohibiting municipalities in their permitting from charging other government entities for rights of way within municipal boundaries that are at least fifteen feet above ground level at their lowest point and does not apply to right-of-way under the jurisdiction of the Division of Highways”; to the Committee on Political Subdivisions then Technology and Infrastructure.

**By Delegates Howell, Hott, Clark, Phillips, Linville, Cannon, Hornby, C. Pritt, Thorne, Ferrell and Jeffries:**

**H. B. 3171** - “A Bill to amend and reenact §30-1-7a of the Code of West Virginia, 1931, as amended, all relating to state boards of examination or registration; providing that continuing education credits shall be valid for three years; and providing that boards may choose to extend the amount of time credits may be valid, up to an additional three years”; to the Committee on Government Organization.

**By Delegates Mallow, Fast, DeVault, C. Pritt, Adkins, Marple, Forsht and Miller:**

**H. B. 3172** - “A Bill to amend and reenact §59-1-11 of the Code of West Virginia, 1931, as amended, relating to prohibiting the practice of charging the full filing fee for every plaintiff listed in a civil action”; to the Committee on the Judiciary.

**By Delegate C. Pritt:**

**H. B. 3173** - “A Bill to amend and reenact §60-6-2 of the Code of West Virginia, 1931, as amended, relating to permitting the manufacturing or distilling bourbon whiskey at a persons’ residence for consumption at that residence”; to the Committee on the Judiciary.

**By Delegates Statler, Chiarelli, Warner, Walker and Hansen:**

**H. B. 3174** - “A Bill to amend and reenact §50-1-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §50-1-2a; and to amend and reenact §50-1-6 of said code, all relating to clarifying the number of magistrate judges in this state, and providing for an additional magistrate court judge in Monongalia County”; to the Committee on the Judiciary.

**By Delegate C. Pritt:**

**H. B. 3175** - “A Bill to amend and reenact §48-22-201 of the Code of West Virginia, 1931, as amended, relating to venue for an adoption when a court had guardianship jurisdiction of a minor child”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

**By Delegates Thorne, Horst, Longanacre, A. Hall, Dillon, DeVault and Howell:**

**H. B. 3176** - “A Bill to amend and reenact §61-8A-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §61-8A-6, all relating to prohibiting drag shows from being performed in front of minors and to prohibit drags shows in public places, such as schools and libraries”; to the Committee on Education then the Judiciary.

**By Delegate Linville:**

**H. B. 3177** - “A Bill to amend and reenact §47-20-2 of the Code of West Virginia, 1931 as amended; and to amend and reenact §60-7-12 of said Code; all relating to charitable bingo and alcohol sales and consumption while such bingo is taking place; adding an exemption for the consumption or sale of alcohol at bingo games at a Veterans Service Organization; defining terms; and explicitly including a Veterans Service Organization as an entity which may conduct charitable bingo games”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.



**By Delegate Burkhammer:**

**H. B. 3178** - “A Bill to amend and reenact §5-10-20 of the Code of West Virginia, 1931, as amended, authorizing sheriffs who are members of the public retirement system to retire upon attaining the age of sixty-two with eight or more years of service”; to the Committee on Pensions and Retirement then Finance.

**By Delegate Walker:**

**H. B. 3179** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §17C-6-1a, relating to signage for active work zones”; to the Committee on Technology and Infrastructure.

**By Delegate Walker:**

**H. B. 3180** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-2D-1, §20-2D-2, §20-2D-3, and §20-2D-4, all relating to establishment of enacting the Wildlife Corridors Act; identifying and protecting wildlife corridors; requiring a Wildlife Corridors Action Plan that will provide comprehensive guidance to state agencies for identifying, prioritizing, and maintaining important areas for wildlife movement; providing powers and duties; directing that a list of priority projects be developed”; to the Committee on Agriculture and Natural Resources then Technology and Infrastructure.

**By Delegate Walker:**

**H. B. 3181** - “A Bill to amend and reenact §62-1-2 of the Code of West Virginia, 1931, as amended, relating to dismissing a warrant or capias for arrest when charges against a person are dismissed”; to the Committee on the Judiciary.

**By Delegates Heckert, Criss, Zatezalo, Crouse, Chiarelli, DeVault, W. Hall, Fehrenbacher, Cooper and Foggini:**

**H. B. 3182** - “A Bill to amend and reenact §27-5-1, §27-5-1b, §27-5-2, §27-5-2a, §27-5-4, and §27-5-10 of the Code of West Virginia, 1931, as amended, relating to clarifying the duties and responsibilities of mental health professionals in West Virginia; providing for a physician, psychologist, licensed professional counselor, licensed independent social worker, advanced nurse

practitioner, physician assistant, or law enforcement officer to make an application for involuntary hospitalization; and providing for the Department of Health and Human Resources to provide transportation for individuals who require involuntary hospitalization”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Dillon, Ross, Ridenour and Longanacre:**

**H. B. 3183** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-11A-1, §16-11A-2, §16-11A-3, §16-11A-4, and §16-11A-5, all relating to limiting minors’ access to gender reassignment surgery or hormone replacement therapy; prohibiting school representatives from providing counseling regarding gender or sexuality of students; prohibiting all public employees and institutions from distributing materials advocating a particular expression of sexuality or gender; providing that a parent, guardian, or other legal custodian of a child seeking hormone replacement therapy or gender reassignment surgery may not substitute his or her consent for that of the child; providing restrictions on physicians using telehealth services in this state; providing that upon reaching 18 years of age a person may be eligible for gender reassignment surgery or hormone replacement therapy; and providing criminal penalties for any person found guilty of crimes sufficient to be placed on a state sex offender’s database shall be permitted to attend any public school function or athletic event, regardless of participation by the offender’s own children”; to the Committee on the Judiciary.

**By Delegates Dillon, Foggin, Kirby, Ross, Butler and Longanacre:**

**H. B. 3184** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §16-29A-1, relating to creating the Medical Information Confidentiality and Anti-Discrimination Act”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Dillon, Longanacre, Butler and Ross:**

**H. B. 3185** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §3-1D-1,

§3-1D-2, and §3-1D-3; and to amend and reenact §7-1-1b of said code, all relating to the ‘Transparency in Government Act’; requiring all candidates for election to public office make public their party affiliation or lack of party affiliation; prohibiting a public board or office from being comprised of a majority of individuals of relation closer than first cousin; providing a process for a public board or office in that the election results violate the prohibition; prohibiting an individual hold the office of County Commissioner be employed by county in any other capacity; and requiring no person be hired under the immediate supervision of a close relation”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Linville and Worrell:**

**H. B. 3186** - “A Bill to repeal section eight, chapter 26, Acts of the Legislature, regular session, 1925 (municipal charters), as last amended by chapter 175, Acts of the Legislature, regular session 1991; and to amend and reenact section seven, chapter 26, Acts of the Legislature, regular session, 1925 (municipal charters), as last amended by chapter 175, Acts of the Legislature, regular session 1991, all relating to powers of the Greater Huntington Parks and Recreation District, property tax imposed by Greater Huntington Park and Recreation District Board; providing for limitation of the area in which such tax may be levied to be the municipal limits of the City of Huntington and repealing all police power of the Greater Huntington Parks and Recreation District”; to the Committee on Political Subdivisions then Finance.

**By Delegates Linville, Chiarelli, Keaton, Cannon, Ferrell, Crouse, Worrell, Horst, Willis and Warner:**

**H. B. 3187** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-8-12a, relating to the requirements imposed on social media companies to prevent corruption and provide transparency of election-related content made available on social media websites; providing for equal opportunities for all candidates and political parties to speak without policy or partisan-based censorship; and to uphold the integrity of elections by ensuring election-related content hosted, posted, and made available on social media websites is not

monetized or otherwise used or manipulated for nefarious purposes”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Linville, Tully, Summers, Young and Maynor:**

**H. B. 3188** - “A Bill to amend the Code of West Virginia, 1931, as amended; by adding thereto a new article, designated §15-3F-1, §15-3F-2, §15-3F-3, §15-3F-4, §15-3F-5 and §15-3F-6 of said code, all relating to the establishment of an alert system for missing cognitively impaired persons; providing for the use of video image recording devices for search purposes during a Purple Alert; providing legislative findings; providing criteria for the activation of a Purple Alert; providing for notice and broadcasting of a Purple Alert; and providing immunity for individuals providing information pursuant to a Purple Alert in good faith”; to the Committee on the Judiciary.

**By Delegates Riley, Hansen, Westfall, Clark, Horst, Hanshaw (Mr. Speaker), Hornby, Steele, Storch, Hardy and Hillenbrand:**

**H. B. 3189** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding four new sections, designated §22-11C-1, §22-11C-2, §22-11C-3, and §22-11C-4, all relating to identifying and abating health risks of perfluoroalkyl and polyfluoroalkyl substances discharged into source waters used for public drinking water; providing legislative findings; providing definitions; requiring the Department of Environmental Protection to write PFAS action plans to identify and address sources of PFAS for certain public water systems; requiring facilities using certain PFAS chemicals to monitor and report their use; setting forth other duties of those facilities; requiring the Secretary of the Department of Environmental Protection to propose updates to the numeric Public Water Supply human health criteria; and requiring necessary the Department of Environmental Protection to implement permit modifications and legislative rule-making to effectuate the provisions herein”; to the Committee on Energy and Manufacturing then the Judiciary.

**By Delegate Steele:**

**H. B. 3190** - “A Bill to amend and reenact §61-8A-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-14-1 of said code, all relating to the definition of minor being amended to be an individual that is less than the age 18, or purported to be less than the age of 18”; to the Committee on the Judiciary.

**By Delegates Summers and Tully:**

**H. B. 3191** - “A Bill to amend and reenact §16-5B-1 of the Code of West Virginia, 1931, as amended, relating to requiring licensure for certain health facilities operated by the state and defining terms”; to the Committee on Health and Human Resources.

**By Delegates Ellington, Chiarelli, Willis, Hornby, Summers and Tully:**

**H. B. 3192** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-16-6; to amend and reenact §18C-3-4 of said code; to repeal §30-7A-7a of said code; and to repeal §30-7B-1, §30-7B-2, §30-7B-3, §30-7B-4, §30-7B-5, §30-7B-6, and §30-7B-7 of said code, all relating to abolishing the center for nursing; repealing the supplemental licensure fee for licensed practical nurses, which funds the center for nursing; moving the functions of the center for nursing to the Higher Education Policy Commission; and clarifying that licensed nurses in a bridge program are eligible for the nursing scholarship from the beginning of their programs”; to the Committee on Education then Finance.

**By Delegates Mallow, DeVault, Adkins, Marple, Forsht and Miller:**

**H. B. 3193** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to damages for medical monitoring; providing that increased risk of disease is not a compensable basis for damages or other relief in any civil action; and establishing requirements for an order for payment of medical monitoring expenses”; to the Committee on the Judiciary.

**By Delegate C. Pritt:**

**H. B. 3194** - "A Bill to amend and reenact §49-1-201 of the Code of West Virginia, 1931, as amended, relating to redefining neglect to allow a parenting style that focuses on allowing children a certain amount of independence, referred to as 'free range parenting,' and establishing that activity is not considered neglect"; to the Committee on Senior, Children, and Family Issues then the Judiciary.

**By Delegate McGeehan:**

**H. B. 3195** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-1F-1, §5-1F-2, and §5-1F-3; to amend and reenact §29-6-7 of said code; and to amend said code by adding thereto a new section, designated §29-6-23a, all relating to the management of personal service appropriations for vacant positions; providing for findings; providing for the transfer of appropriations for vacant positions; providing for a transfer of appropriations in a state of emergency; and providing for an annual report"; to the Committee on Government Organization then Finance.

**By Delegates C. Pritt, Cannon, Chiarelli, Keaton, Kirby, Martin, E. Pritt, Hanna, Fast and Shamblin:**

**H. B. 3196** - "A Bill to amend and reenact §19-23-3, §19-23-7 and §19-23-12b of the Code of West Virginia, 1931, as amended; to amend and reenact §29-22A-3, §29-22A-7 and §29-22A-12 of said code; and to amend and reenact §29-22C-3, §29-22C-8 and §29-22C-10 of said code, all relating to dog racing requirements; modifying certain definitions; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates to qualify for such a license; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates to contract to receive telecasts and accept wagers; providing that a dog racetrack is required to hold a racing license to conduct simulcast racing regardless of whether the racetrack continues to conduct live dog racing; authorizing the West Virginia Racing Commission to promulgate rules, including emergency rules, regarding licensure of dog racetracks conducting only simulcast racing; eliminating the requirement that a video lottery licensee at

a dog track must hold a racing license to renew a video lottery license or racetrack table games license; permitting a dog racetrack to continue to operate operational video lottery and racetrack table games in a location where live racing was previously conducted; and eliminating the requirement that a racetrack table games licensee at a dog racetrack must race a minimum number of dates”; to the Committee on the Judiciary then Finance.

**By Delegate McGeehan:**

**H. B. 3197** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-7A-1, §4-7A-2, §4-7A-3, §4-7A-4, §4-7A-5, §4-7A-6, and §4-7A-7, relating generally to creating the Legislative Infrastructure Commission; its composition; appointment of commission members; filling of vacancies on commission; election of commission officers; compensation and expenses of commission members; powers and duties of commission generally; providing for the creation of the Legislative Infrastructure Commission Economic Enhancement Grant Fund; establishing regulations for the fund; establishing a matching grant subaccount; providing a purpose for the fund and the subaccount; authorizing the Legislative Infrastructure Commission to enter into certain grant agreements; allowing for an audit process; providing article is not authority to create state debt; and severability”; to the Committee on Government Organization then Finance.

**Special Calendar**

**Third Reading**

**Com. Sub. for S. B. 83**, Authorizing tactical medical professionals to carry firearms; 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. 48**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Hardy, Householder and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 83) 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. 132**, Clarifying criminal offense of harassment; 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. 49**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Hardy, Householder and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 132) passed.

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

**S. B. 132** – “A Bill to amend and reenact §61-2-9a of the Code of West Virginia, 1931, as amended, relating to clarifying the criminal offense of harassment; and clarifying that stalking and harassment are separate crimes.”

*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. 2436**, Relating to the implementation of an acuity-based patient classification 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. 50**), and there were—yeas 95, nays 1, absent



and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Keaton.

Absent and Not Voting: Bridges, Hardy, Householder and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2436) passed.

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

**Com. Sub. for H. B. 2509**, Creating the Uniform Premarital Agreement Act; 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. 51**), and there were—yeas 92, nays 4, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Chiarelli, Dillon, Keaton and McGeehan.

Absent and Not Voting: Bridges, Hardy, Householder and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2509) passed.

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

**Com. Sub. for H. B. 2569**, Establishing the Motorsport Responsibility Act; 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. 52**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Hardy, Householder and Ross.

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 and request concurrence therein.

**H. B. 2835**, Repeal outdated provisions of code relating to the West Virginia graduate college and Marshall University; 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. 53**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Hardy, Householder and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2835) passed.

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

**H. B. 2835** – “A Bill to repeal §18B-1-8b of the Code of West Virginia, 1931, as amended, relating to the repeal of an outdated section of code providing for the merger and consolidation of the West Virginia graduate college with Marshall University.”

*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. 2850**, Relating to students with exceptional needs; 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. 54**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Hardy, Householder and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2850) passed.

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

**Com. Sub. for H. B. 2890**, Modifying student discipline; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

Delegates E. Pritt, Hornbuckle, Walker and Young moved to amend the bill on page 3, section 1, by striking out lines 49 through 51 in their entirety and inserting in lieu thereof, the following:

“If a student has been excluded from an individual classroom three or more times in one month and received an-out-of-school suspension due to the student’s conduct in that classroom, the principal may reassign the student from that classroom if a similar class of instruction is available for the student.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 55**), and there were—yeas 18, nays 78, absent and not voting 4, with the yeas and the absent and not voting being as follows:

Yeas: Dittman, Fluharty, Garcia, Griffith, A. Hall, Hanna, Hansen, Hornbuckle, Kirby, Nestor, E. Pritt, Pushkin, Rowe, Skaff, Steele, Walker, Williams and Young.

Absent and Not Voting: Bridges, Hardy, Householder and Ross.

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

Delegates E. Pritt, Hornbuckle, Walker and Young moved to amend the bill on page 3, section 1, line 48, following the words “county school system”, by inserting a colon and the following proviso:

*“Provided, That the provisions of this paragraph do not apply if the student is subject to a plan pursuant to Section 504 of the United States Rehabilitation Act of 1973; an individual education plan, or a behavioral intervention plan”.*

And,

On page 4, Section 1, line 78, following the words “this section:” by inserting the following:

“(1) ‘Behavioral intervention plan’ means a written improvement plan created for a student based on the outcome of a functional behavioral assessment. The functional behavioral assessment identifies the cause of a challenging behavior and identifies specific actions to take to improve or replace the challenging behavior;

(2) ‘Individualized education plan’ is a plan developed for a student with a disability and provides extra support and services for the student;”

And,

By renumbering the subsequent definitions in subsection (g) accordingly.

The question being on adoption of the amendment, the same was put and did not prevail.

Delegates E. Pritt, Hornbuckle, Walker and Young moved to amend the bill on page 3, section 1, line 45 following the words “instructional day.”, by inserting the following:

“The student upon removal shall receive active instruction by a teacher on the curriculum the student would have received if the student had not been removed from the classroom.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 56**), and there were—yeas 17, nays 79, absent and not voting 4, with the yeas and the absent and not voting being as follows:

Yeas: Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Kirby, Nestor, Petitto, E. Pritt, Pushkin, Rowe, Skaff, Steele, Vance, Walker, Williams and Young.

Absent and Not Voting: Bridges, Hardy, Householder and Ross.

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

Delegates E. Pritt, Hornbuckle, Walker and Young moved to amend the bill on page 4, section 1, line 77, following the word “discipline.”, by inserting the following:

“Each county shall report aggregate statistics monthly to the state board on the following: the age, grade, sex, ethnicity and school of each student receiving in-school and out-of-school suspensions. These statistics shall be reported to the state board monthly and provided to the Legislative Oversight Commission on Education Accountability on a bi-annual basis.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 57**), and there were—yeas 14, nays 82, absent and not voting 4, with the yeas and the absent and not voting being as follows:

Yeas: Fluharty, Garcia, Griffith, Hanna, Hansen, Hornbuckle, Petitto, E. Pritt, Pushkin, Rowe, Skaff, Walker, Williams and Young.

Absent and Not Voting: Bridges, Hardy, Householder and Ross.

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

Delegates E. Pritt, Hornbuckle, Walker and Young moved to amend the bill on page 3, section 1, line 45, following the words “in-school suspension.”, by inserting the following:

“After the second occurrence of disorderly conduct, an administrator shall establish a student assistance team to meet regarding the student to identify and develop a plan to address the student’s conduct.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 58**), and there were—yeas 25, nays 71, absent and not voting 4, with the yeas and the absent and not voting being as follows:

Yeas: Dean, Dittman, Fluharty, Foggin, Garcia, Griffith, Hansen, Hillenbrand, Holstein, Hornbuckle, Keaton, Kirby, Marple, Nestor, Petitto, E. Pritt, Pushkin, Rowe, Skaff, Steele, Summers, Vance, Walker, Williams and Young.

Absent and Not Voting: Bridges, Hardy, Householder and Ross.

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

Having been engrossed, the bill was read a third time.

Delegate Kump moved the previous question, which demand was not sustained.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 59**), and there were—yeas 79, nays 16, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Kirby, Nestor, E. Pritt, Pushkin, Rowe, Skaff, Steele, Vance, Walker, Williams and Young.

Absent and Not Voting: Bridges, Hardy, Householder, Martin and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2890) passed.

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

### **Second Reading**

**S. B. 207**, Relating to state allocation of funding to regional councils; on second reading, coming up in regular order, was read a second time and ordered to third reading.

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

Delegate Summers moved to amend the bill on page 4, section 16, line 84, after the word, "policy", by striking the comma, inserting period, and striking the remainder of the sentence.

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

The yeas and nays having been ordered, they were taken (**Roll No. 60**), and there were—yeas 52, nays 40, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Anderson, Barnhart, Capito, Chiarelli, Clark, Criss, Dean, Ellington, Fast, Ferrell, Foggin, Gearheart, A. Hall, W. Hall, Heckert, Hornby, Hott, Howell, Jeffries, Jennings, Kelly, Kump, Lucas, Maynor, Mazzocchi, Reynolds, Ridenour, Rohrbach, Shamblin, Sheedy, Smith, Statler, Thorne, Toney, Tully, Warner, Westfall, Willis, Zatezalo and Mr. Speaker.

Absent and Not Voting: Bridges, Hardy, Householder, Martin, McGeehan, Pinson, Ross and Storch.

So, a majority of the members present having voted in the affirmative, the amendment was adopted.

The bill was then ordered to engrossment and third reading.

**H. B. 2613**, Relating to the administration of anesthetics; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 2870**, Correcting a reference relating to siting certificates for certain electric generating facilities; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3061**, Relating to updating the authority of the Foster Care Ombudsman; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Steele and Summers, the bill was amended on page 2, section 101, line 30, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:



“(c) (1) The Foster Care Ombudsman or his or her staff may not be compelled to testify or produce evidence in any judicial or administrative proceeding with respect to the identity of an individual providing information to the ombudsman as part of an official investigation, or the substance of that person’s report to the ombudsman as part of an official investigation. All memoranda, work product, notes, or case files developed and maintained as part of an official investigation of the Foster Care Ombudsman Office are confidential and are not subject to discovery, subpoena or other means of legal compulsion, and are not admissible as evidence in a judicial or administrative proceeding.

(2) The ombudsman may be compelled to provide testimony by a court or administrative body of competent jurisdiction related to any action carried out by the office that is unrelated to the substance of a specific official investigation, or reports submitted to the Legislative Oversight Commission on Health and Human Resources Accountability provided for in §9-5-27 and §49-9-102 of this code. Should the ombudsman be compelled to testify, provide evidence in discovery, respond to a subpoena, or otherwise divulge testimony or evidence in any judicial, administrative, or legislative proceeding, the ombudsman may not be compelled to provide testimony or evidence concerning the identity of any complainant or any individual providing information to the ombudsman as part of an official investigation, or the substance of any complaint or report unless the ombudsman should decline to exercise that privilege. The purpose of this provision is to ensure a level of confidentiality between the ombudsman and a person reporting to, complaining to, or providing other evidence to the ombudsman as part of an official investigation carried out by the office.

(3) Any objection by the ombudsman to the disclosure of any testimony, documentary, or physical evidence shall be reviewed by the presiding official of such tribunal, in camera, upon the request of the ombudsman, and the presiding official shall prevent the disclosure of the identity of any complainant, witness, or reporter as well as the substance of their complaint, testimony, or report.”

The bill was then ordered to engrossment and third reading.

### **First Reading**

The following bill on first reading, coming up in regular order, was read a first time and ordered to second reading:

**Com. Sub. for H. B. 2832**, Clarifying appropriate and inappropriate duties for school counselors while also providing the definition of a school counselor.

### **Leaves of Absence**

At the request of Delegate Jeffries, and by unanimous consent, leaves of absence for the day were granted Delegates Bridges, Hardy, Householder and Ross.

### **Miscellaneous Business**

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

**H. B. 2035**: Delegate Honaker, Longanacre, Phillips and Pushkin:

**H. B. 2062**: Delegates Linville and Riley;

**H. B. 2380**: Delegate Toney;

**H. B. 2540**: Delegates Espinosa and Rowe;

**H. B. 2621**: Delegate Hott;

**H. B. 2828**: Delegates Hornbuckle and Toney;

**H. B. 2941**: Delegate Toney;

**H. B. 2989**: Delegates Chiarelli, Dittman, Foggin, Hall, Hornbuckle, Hornby, Lucas, Mazzocchi, Toney and Walker;

**H. B. 3110**: Delegate Heckert;

**H. B. 3160**: Delegate Kump;

And,

**H. B. 3165:** Delegate Kump.

At 1:22 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, February 1, 2023.

---

Wednesday, February 1, 2023

**TWENTY-SECOND DAY**

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

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

In lieu of Prayer and the recitation of the Pledge of Allegiance, the John Marshall Fife and Drum Corps performed “Amazing Grace”, “The Star Spangled Banner”, and “The West Virginia Hills”.

The Clerk proceeded to read the Journal of Tuesday, January 31, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

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

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

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

Delegate Storch, Chair of the Committee on Pensions and Retirement, submitted the following report, which was received:

Your Committee on Pensions and Retirement has had under consideration:

**H. B. 2893**, Establishing a one-time bonus payment for certain retirees,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2893) was referred to the Committee on Finance.

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

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

**H. B. 2196**, To remove opioid treatment programs from requiring a certificate of need,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2196** - “A Bill to repeal §16-5Y-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-2D-9 and §16-2D-11; all relating to removing an opioid treatment program from the from the health services which may not be developed; and exempts an opioid treatment program from certificate of need,”

**H. B. 2538**, Requiring usage of child welfare information technology systems,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2538** - “A Bill to amend and reenact §49-1-203 of the Code of West Virginia, 1931, as amended, to amend and reenact §49-2-111c of said code, all relating to the creation of a child welfare information technology systems; requiring the Bureau of Social Services to implement of a child welfare information technology system; providing access to the system; setting forth the requirements of the system,”

And,

**H. B. 2789**, Removing birthing centers from certificate of need,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2789** - “A Bill to amend and reenact §16-2D-8, §16-2D-10, and §16-2D-11 of the Code of West Virginia, 1931, as amended, all relating to removing the requirement that a birthing center obtain a certificate of need; and exempting birthing centers from obtaining a certificate of need,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2898**, Banning high-risk technologies on government systems,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2898) was referred to the Committee on the Judiciary.

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

Your Committee on Technology and Infrastructure has had under consideration:

**Com. Sub. for S. B. 254**, Relating generally to mandatory state inspection of certain motor vehicles,

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 254) was referred to the Committee on Finance.

Delegate Barnhart, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

**H. B. 2540**, Travel Insurance Model Act,

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

And,

**H. B. 2861**, To raise the threshold for nominal referral fees from \$25 to \$100,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2540, H. B. 2621 and H. B. 2861) were each referred to the Committee on the Judiciary.

Delegate Nestor, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 2439**, Exempting from the sales tax all-terrain vehicles and utility terrain vehicles used as farm equipment,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2439) was referred to the Committee on Finance.

Delegate Nestor, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 2309**, To require the Division of Forestry to create an online renewal process no later than July 1, 2023,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2309) was referred to the Committee on Government Organization.

Delegate Nestor, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 2062**, Establish rules and regulations for e-bikes in West Virginia that more closely comport to federal law,

And,

**H. B. 2787**, Farm Direct Feed Sales Exemption,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2062 and H. B. 2787) were each referred to the Committee on the Judiciary.

### **Messages from the Senate**

A message from the Senate, by

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



**Com. Sub. for S. B. 160** - “A Bill to amend and reenact §5B-1A-1, §5B-1A-2, §5B-1A-3, §5B-1A-4, §5B-1A-5, §5B-1A-6, §5B-1A-7, §5B-1A-8, and §5B-1A-9 of the Code of West Virginia, 1931, as amended, all relating to establishing the West Virginia Rail Trails Program consisting of rail-to-trail and rail with trail programs; updating definitions to include definitions of “rail with trail”, “railroad right-of-way”, and “trail”; expanding authority of Division of Multimodal Transportation Facilities to acquire railroad rights-of-way and land for both trail programs; clarifying that a rail-to-trail program may not unreasonably limit ability to restore rail service on railroad rights-of-way; and expanding limitation of and exception to liability to railroad owners under certain circumstances”; which was referred to the Committee on Economic Development and Tourism.

A message from the Senate, by

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

**Com. Sub. for S. B. 166** - “A Bill to amend and reenact §5-10-48 of the Code of West Virginia, 1931, as amended, relating to reemployment after retirement by public employees; and increasing the maximum compensation that may be earned by certain retired public employees who accept legislative per diem, temporary full-time, or temporary part-time employment from a participating employer without suspending his or her retirement annuity”; which was referred to the Committee on Pensions and Retirement then Finance.

A message from the Senate, by

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

**Com. Sub. for S. B. 222** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-19e, relating to requiring the State Superintendent of Schools to create a taskforce to consider options for direct funding of adult education learning centers; declaring

legislative findings; providing for membership and meetings of the taskforce; and establishing deadlines for the taskforce to be created and begin its meetings and for submitting a report of recommendations to the Legislature”; which was referred to the Committee on Education.

A message from the Senate, by

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

**Com. Sub. for S. B. 249** - “A Bill to amend and reenact §30-40-3, §30-40-4, §30-40-5, §30-40-9, §30-40-11, §30-40-12, §30-40-13, §30-40-14, §30-40-15, §30-40-16, §30-40-17, §30-40-18, §30-40-19, §30-40-20, §30-40-21, §30-40-22, §30-40-25, and §30-40-26, of the Code of West Virginia, 1931, as amended; and to repeal §30-40-27, all relating to the West Virginia Real Estate License Act; amending definitions; modifying the applicability of the article; requiring certain fees to be deposited into the Treasury of the state daily; eliminating requirements for certain information to be included on applications for licensure; modifying qualifications for obtaining broker’s license; providing restrictions on the entities that may be issued a salesperson’s license; clarifying and amending requirements for prelicense education; modifying requirements for licensing based on licensure in another jurisdiction; modifying continuing education requirements; eliminating certain requirements for persons holding a broker’s license; modifying requirements for license certificates issued by the Real Estate Commission; requiring a licensed broker to reconcile trust accounts; eliminating a prohibition on financial institutions that maintain trust accounts from requiring a certain minimum balance; clarifying language related to when commission may refuse a license or revoke, suspend, or impose any other sanction against a licensee; modifying the procedure for commission to administer complaints; modifying procedure for judicial review of decisions or final orders of the commission; clarifying language regarding criminal penalties; clarifying language related to suits for collection of compensation; requiring licensees to disclose in writing whether the licensee represents the

seller, the buyer, the seller and the buyer, the landlord, the tenant, or the landlord and the tenant; and repealing an outdated section of code governing the duration of existing licenses”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

**S. B. 306** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5D-6, relating to establishing the Summer Feeding for All Program; providing findings; directing a county-by-county assessment of non-school-day student initiative; addressing food insecurities; empowering county school boards to develop initiatives and programs for feeding students in need during summer and other non-school time periods; providing county board reporting requirements to the Office of Child Nutrition; and directing the Office of Child Nutrition to collect and distribute information regarding available food resources”; which was referred to the Committee on Education then Finance.

A message from the Senate, by

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

**Com. Sub. for S. B. 335** - “A Bill to amend and reenact §64-6-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Homeland Security to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature and directing certain agencies of the Department of Homeland Security to amend current legislative rules; relating to authorizing the Governor’s Committee on Crime to promulgate a legislative rule relating to protocol for law enforcement response to domestic violence; relating to authorizing the Division of Emergency Management to promulgate a legislative rule relating to the

National Flood Insurance Program; relating to authorizing the Fire Commission to promulgate a legislative rule relating to hazardous substance emergency response training programs; relating to authorizing the Fire Commission to promulgate a legislative rule relating to certification of home inspectors; relating to authorizing the Fire Commission to promulgate a legislative rule relating to volunteer firefighters' training equipment, and operating standards; relating to authorizing the Fire Marshal to promulgate a legislative rule relating to certification of electrical inspectors; relating to authorizing the Fire Marshal to promulgate a legislative rule relating to supervision of fire protection work; relating to authorizing the Fire Marshal to promulgate a legislative rule relating to electrician licensing; relating to authorizing the Fire Marshal to promulgate a legislative rule relating to certification of home inspectors; relating to authorizing the State Police to promulgate a legislative rule relating to West Virginia State Police professional standards investigations, employee rights, early identification system, psychological assessment, and progressive discipline; and relating to directing the State Police to promulgate a legislative rule relating to modified vehicle inspections"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**S. B. 428** - "A Bill to amend and reenact §18-5A-2 of the Code of West Virginia, 1931, as amended, relating to Local School Improvement Councils; revising council membership requirements; requiring minutes be taken at every council meeting; revising requirements pertaining to annual council meeting regarding the school's academic performance; requiring training on the role and governance of the councils and the production of a document on parent and community leader roles in the councils; and allowing public charter schools to abide by all or some of the local school improvement council requirements"; which was referred to the Committee on Education.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2023, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 443** - “A Bill to amend and reenact §44-3A-42 of the Code of West Virginia, 1931, as amended, relating to directing payment of the estate administration fee to the State Auditor”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2023, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 444** - “A Bill to amend and reenact §11-13A-5b of the Code of West Virginia, 1931, as amended, relating to the West Virginia Future Fund; providing specific dates; and transferring any moneys in the fund to General Revenue”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2023, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 446** - “A Bill to amend and reenact §11-14C-2 of the Code of West Virginia, 1931, as amended, relating to remove methanol and methanol fuel from the definition of special fuel”; which was referred to the Committee on Finance.

### **Resolutions Introduced**

The following resolution was introduced and referred as follows:

#### **By Delegates Ward and Espinosa:**

**H. C. R. 14** – “Requesting the Division of Highways name bridge number: 16-020/01-000.18 (16A044), (38.87673, - 78.86634) locally known as Stanley See Bridge, carrying CR 20/1 over Lost River in Hardy County the ‘Stanley W. and Evelyn C.

See Memorial Bridge””; to the Committee on Technology and Infrastructure then Rules.

### **Special Calendar**

#### **Unfinished Business**

The following resolutions, coming up in regular order, as unfinished business, were reported by the Clerk and adopted:

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

And,

**H. C. R. 13**, Make 2nd week of February of every year a week of recognition of the Boy Scouts of America.

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

#### **Third Reading**

**S. B. 207**, Relating to state allocation of funding to regional councils; 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. 61**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Clark.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 207) passed.

Delegate Clark, who was absent on Roll No. 61, noted to the Clerk that he would have voted “Yea” thereon.

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

**Com. Sub. for H. B. 2596**, To modify when a nonresident student's transfer may be denied; 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. 62**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Clark.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2596) passed.

Delegate Clark, who was absent on Roll No. 62, noted to the Clerk that he would have voted "Yea" thereon.

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

**Com. Sub. for H. B. 2596** – "A Bill to amend and reenact §18-5-16 of the Code of West Virginia, 1931, as amended, relating to open enrollment; clarifying the circumstances in which a county board shall permit the transfer of resident and nonresident students; amending provisions pertaining to the contents of county board of education policies for open enrollment; modifying the process for transfer application denials and appeals; and requiring county boards and the State Department of Education to report annually on the number of transfer approvals and denials made pursuant to open enrollment policies."

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

**H. B. 2613**, Relating to the administration of anesthetics; 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. 63**), and there were—yeas 77, nays 21, absent

and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Cannon, Capito, Criss, Dillon, Ellington, Foggin, Hanna, Heckert, Keaton, Kirby, Kump, Nestor, Riley, Ross, Skaiff, Steele, Storch, Vance, Walker, Westfall and Willis.

Absent and Not Voting: Bridges and Linville.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2613) passed.

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

On this question, the yeas and nays were taken (**Roll No. 64**), and there were—yeas 92, nays 6, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Dillon, Kirby, Kump, Nestor, Steele and Vance.

Absent and Not Voting: Bridges and Linville.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2613) 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. 2870**, Correcting a reference relating to siting certificates for certain electric generating facilities; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 65**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Vance.



Absent and Not Voting: Mallow.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2870) passed.

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

**Com. Sub. for H. B. 3061**, Relating to updating the authority of the Foster Care Ombudsman; 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. 66**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3061) passed.

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

On this question, the yeas and nays were taken (**Roll No. 67**), and there were—yeas 100, nays none, absent and not voting none.

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. 3061) takes effect from its passage.

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

### Second Reading

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

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

### **First Reading**

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

**Com. Sub. for H. B. 2004**, Prevent the use of payment card processing systems for surveillance of Second Amendment activity and discriminatory conduct,

**Com. Sub. for H. B. 2007**, Prohibiting certain medical practices,

**Com. Sub. for H. B. 2008**, Requiring local entities to enforce immigration laws,

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

**Com. Sub. for H. B. 2443**, Relating to service employees with National Association for Pupil Transportation Certifications,

**H. B. 2768**, To require all state entities and Chapter 30 boards to use “.gov” domains and e-mail addresses,

**H. B. 2941**, To extend the end date of the State Advisory Council on Postsecondary Attainment Goals,

And,

**Com. Sub. for H. B. 3091**, Requiring counties provide fiscal information for State Auditor’s WV Checkbook website.

### **Miscellaneous Business**

Pursuant to House Rule 132, consent was obtained to print the following in the Appendix to the Journal:

- Delegate Rowe regarding the amendment offered to and the passage of Com. Sub. for H. B. 2526 on January 18, 2023

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

**H. B. 2137:** Delegates Dillon, Hornbuckle, Longanacre and Statler;

**H. B. 2797:** Delegate Crouse;

**H. B. 2937:** Delegate Hillenbrand;

**H. B. 2985:** Delegate Young;

**H. B. 3014:** Delegate Garcia;

**H. B. 3018:** Delegate Garcia;

**H. B. 3136:** Delegate Young;

**H. B. 3161:** Delegate Kump;

**H. B. 3176:** Delegate Kump;

And,

**H. R. 6:** Delegate Dillon.

At 12:56 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 2, 2023.

---

Thursday, February 2, 2023

**TWENTY-THIRD DAY**

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

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

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

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

**Committee Reports**

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

Your Committee on Government Organization has had under consideration:

**H. B. 3195**, Relating to the management of personal service appropriations for vacant positions,

And,

**H. B. 3197**, Creating the Legislative Infrastructure Commission,

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

In accordance with the former direction of the Speaker, the bills (H. B. 3195 and H. B. 3197) were each referred to the Committee on Finance.

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

Your Committee on Education has had under consideration:

**H. B. 3192**, Abolishing the Center for Nursing and transferring its duties and authorities to the Higher Education Policy Commission,

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

In accordance with the former direction of the Speaker, the bill (H. B. 3192) was referred to the Committee on Finance.

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

Your Committee on Education has had under consideration:

**H. B. 3055**, To create a vocational math class for students interested in careers in the trades,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3055** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2E-13, relating to restructuring technical transition math for students interested in careers in the trades; making findings; describing class; qualifications of instructors; use to meet graduation requirement,”

With the recommendation that the committee substitute do pass.

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

Your Committee on Education has had under consideration:

**H. B. 2137**, To allow money paid to state employees to go to their estate if they pass away before their retirement date,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2137) was referred to the Committee on Finance.

Delegate Mallow, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

**H. B. 2819**, To add State Fire Marshals to the statute to be included with law enforcement that receive information related to school safety requirements,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2819) was referred to the Committee on Education.

Delegate Mallow, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 2762) was referred to the Committee on Government Organization.

Delegate Mallow, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

**H. B. 2191**, Provide volunteer firemen free license plates and vehicle registration,

And,

**H. B. 2937**, To reduce the business license fee for WV Volunteer Fire Departments to \$250,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2191 and H. B. 2937) were each referred to the Committee on Finance.

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

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

**H. B. 2935**, Create the Tourism Event Emergency Medical Services Fund,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2935) was referred to the Committee on Finance.

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

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

**S. B. 4**, Creating Adopt-A-Trail volunteer programs for public land under DNR jurisdiction,

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

In the absence of objection, reference of the bill (S. B. 4) to the Committee on Finance was abrogated.

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

Your Committee on the Judiciary has had under consideration:

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

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

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2896**, Relating to making West Virginia an Agreement State with the U. S. Nuclear Regulatory Commission,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2896) was referred to the Committee on Finance.

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



Your Committee on the Judiciary has had under consideration:

**H. B. 2821**, Relating to taxation of gambling and lottery winnings,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2821) was referred to the Committee on Finance.

### **Messages from the Executive**

#### **and Other Communications**

A communication from the Clerk of the Senate to His Excellency, the Governor, advised that on February 1, 2023, S. B. 143 and S. B. 231 were presented to the Governor.

### **Messages from the Senate**

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. 2018**, Permitting the managed care case coordinator to attend the multidisciplinary team meeting.

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. 2029**, Repealing the creation of an all-payer claims database.

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. 2506**, Creating a title clearinghouse for non-resident businesses.

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

**S. B. 132**, Clarifying criminal offense of harassment.

A message from the Senate, by

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

**S. B. 240** – “A Bill to amend and reenact §30-1-12 and §30-1-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated as §30-1-12a, all relating to professions and occupations; providing for provisions applicable to all state boards of registration; requiring records of a board's proceedings to open to public inspection; prohibiting disclosure of personally identifiable information and exceptions; requiring each board to place and maintain the roster on its website the names and office addresses of all persons licensed, or registered; and practicing in this state the profession or occupation to which such board relates”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

**Com. Sub. for S. B. 426** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-6B-4a, relating to regulating, restricting, or banning high-risk technology platforms, services, applications, programs, or products on government networks, devices, and systems; adding legislative findings related to national security threats and threats to critical state government networks and

infrastructure posed by untrustworthy and high-risk platforms, services, applications, programs, or products; authorizing the Chief Information Security Officer to identify high-risk platforms, services, applications, programs, and products and to develop statewide standards regulating their use on government networks, devices, and systems; requiring certain government entities to adopt and enforce those standards; and authorizing the promulgation of legislative and emergency rules to facilitate the purpose of this section”; which was referred to the Committee on the Judiciary.

### **Resolutions Introduced**

The following resolution was introduced and referred as follows:

**By Delegates Howell, Anderson, Brooks, Cannon, Capito, Clark, Coop-Gonzalez, Crouse, DeVault, Ellington, Fast, Ferrell, Fluharty, Garcia, Griffith, A. Hall, W. Hall, Hanna, Hansen, Heckert, Hillenbrand, Hite, Honaker, Hornbuckle, Hornby, Horst, Hott, Jennings, Keaton, Kirby, Kump, Linville, Lucas, Mallow, Marple, Martin, Maynor, Mazzocchi, Miller, E. Pritt, Pushkin, Riley, Rowe, Sheedy, Skaff, Statler, Storch, Summers, Thorne, Toney, Tully, Walker, Ward, Warner, Westfall, Williams, Willis, Young, Zatezalo and Hanshaw (Mr. Speaker):**

**H. R. 11** – “Reaffirming the longstanding sisterhood partnership between West Virginia and Taiwan”; to the Committee on Rules.

### **Bills Introduced**

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

**By Delegates Ferrell, Honaker, Worrell, Kelly, Foggin, Clark, Tully, Ward, W. Hall, Brooks and Chiarelli:**

**H. B. 3198** - “A Bill to amend and reenact §17-24A-4 of the Code of West Virginia, 1931, as amended, relating to obtaining title to abandoned or junked motor vehicles abandoned on the

property or place of business of an automobile dealer, licensed automobile auction, motor vehicle repair facility or towing company; and removing the requirement that the loan value of the motor vehicle be less than \$9500 to allow the automobile dealer, licensed automobile auction, motor vehicle repair facility or towing company to obtain a certificate of title and registration for the abandoned motor vehicle or junked vehicle”; to the Committee on Technology and Infrastructure.

**By Delegates Summers and Ellington:**

**H. B. 3199** - “A Bill to amend and reenact §16-5-22 of the Code of West Virginia, 1931, as amended, relating to removing the requirement that an ectopic pregnancy be reported”; to the Committee on Health and Human Resources.

**By Delegates Summers and Tully:**

**H. B. 3200** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §27-2A-2, relating to authorizing the Department of Health and Human Resources to transfer comprehensive community mental health centers and comprehensive intellectual disability facilities to regional mental health centers or regional intellectual disability facilities”; to the Committee on Health and Human Resources.

**By Delegate Toney:**

**H. B. 3201** - “A Bill to amend and reenact §18-9A-7 of the Code of West Virginia, 1931, as amended, relating to including electric-powered school buses in the county foundation allowance; and increasing by 5% the allowance for school bus systems manufactured in the State of West Virginia”; to the Committee on Education then Finance.

**By Delegate Westfall:**

**H. B. 3202** - “A Bill to amend and reenact §11A-1-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11A-3-2, §11A-3-13, §11A-3-38, §11A-3-45, §11A-3-46, §11A-3-47, §11A-3-48, and §11A-3-56 of said code, all related to real property property taxes, modifying who is entitled to pay certain taxes on real estate; modifying certain public notices regarding the certification of real estate to the West Virginia

Auditor; modifying who is entitled to redeem real estate that is subject to delinquent taxes, providing eligibility requirements to bid on tax liens at certain auctions conducted by the West Virginia Auditor, specifying that participation in certain auctions constitutes transacting business in West Virginia; providing for certain rulemaking authority, including emergency rulemaking; modifying certain public notices regarding certain auctions conducted by the West Virginia Auditor; and providing for the incurrence of certain expenses related to title examinations by the West Virginia Auditor and the collection for reimbursement for the same”; to the Committee on the Judiciary.

**By Delegate Steele:**

**H. B. 3203** - “A Bill to amend and reenact §30-40-3, §30-40-4, §30-40-5, §30-40-9, §30-40-11, §30-40-12, §30-40-13, §30-40-14, §30-40-15, §30-40-16, §30-40-17, §30-40-18, §30-40-19, §30-40-20, §30-40-22, §30-40-25, and §30-40-26 of the Code of West Virginia, 1931, as amended; and to repeal §30-40-27 of said code, all relating generally to West Virginia Real Estate License Act; amending definitions; permitting a salesperson to designate an entity to receive compensation; modifying the applicability of the article; requiring certain fees to be deposited into the treasury of the state daily; eliminating requirements for certain information to be included on applications for licensure; modifying requirements for an application for a broker’s license; providing restrictions on the entities that may be issued a salesperson’s license; clarifying and amending requirements for prelicense education; modifying requirements for licensing based on licensure in another jurisdiction; modifying continuing education requirements; eliminating certain requirements for persons holding a broker’s license; modifying requirements for license certificates issued by Real Estate Commission; requiring a licensed broker to reconcile trust accounts; eliminating a prohibition on financial institutions that maintain trust accounts from requiring a certain minimum balance; clarifying language related to when commission may refuse a license or revoke, suspend, or impose any other sanction against a licensee; modifying the procedure for commission to administer complaints; eliminating right of judicial review for a person adversely affected by a decision or final order of the

commission; clarifying language; clarifying language regarding criminal penalties; clarifying language related to suits for collection of compensation; requiring licensees to disclose in writing whether the licensee represents the seller, the buyer, the seller and the buyer, the landlord, the tenant, or the landlord and the tenant; and repealing an outdated section of code governing the duration of existing licenses”; to the Committee on Government Organization.

**By Delegates Young and Longanacre:**

**H. B. 3204** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2S-1, §16-2S-2, §16-2S-3, §16-2S-4, §16-2S-5, §16-2S-6, and §16-2S-7, §16-2S-8, §16-2S-9, §16-2S-10, §16-2S-11, §16-2S-12, and §16-2S-13, all relating to creating The Mobile Food-Vendor Freedom Act; providing a short title; listing purposes; presenting legislative findings; providing definitions; listing licensing requirements that permit the vendor to sell food anywhere in the state; prohibiting local authorities from barring a mobile food vendor from selling in that jurisdiction if it holds the mobile food vending license and complies with all other state and local laws; establishing a process for obtaining a license; requirements for mobile-food vending; providing rulemaking authority; setting food safety and health inspection requirements; setting the parameters for regulations by local authorities; establishing investigation authority; setting standards for license denial, suspension, or revocation and setting penalties and the right to appeal; and stating preemption limitations”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Worrell, Tully, Crouse, Dean, C. Pritt and McGeehan:**

**H. B. 3205** - “A Bill to repeal §9-5-19 of the Code of West Virginia, 1931, as amended; to repeal §16-2D-2, §16-2D-3, §16-2D-4, §16-2D-5, §16-2D-6, §16-2D-7, §16-2D-8, §16-2D-9, §16-2D-10, §16-2D-11, §16-2D-12, §16-2D-13, §16-2D-14, §16-2D-15, §16-2D-16, §16-2D-16a, §16-2D-17, §16-2D-18, §16-2D-19, and §16-2D-20 of said code; to repeal §16-2N-3 of said code; to repeal §16-5Y-12 of said code; to repeal §16-29A-20 of said code;

to repeal §16-29B-1, §16-29B-8, §16-29B-12, §16-29B-13, §16-29B-14, §16-29B-15, and §16-29B-30 of said code; to repeal §49-2-124 of said code; to amend and reenact §16-2D-1 of said code; to amend and reenact §16-5Y-3 of said code; and to amend and reenact §33-15B-5 of said code, all relating to eliminating the certificate of need program for health services; prohibiting certain actions; fixing an effective date; deleting references to the certificate of need program throughout the code; and making technical corrections”; to the Committee on Health and Human Resources.

**By Delegate Westfall:**

**H. B. 3206** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6-9C-1, §6-9C-2, §6-9C-2A, §6-9C-3, §6-9C-4, §6-9C-5, §6-9C-6, §6-9C-7, §6-9C-8, §6-9C-9, §6-9C-10, and §6-9C-11; to amend and reenact §8-35-1 and §8-35-2 of said code; and to amend said code by adding thereto by adding four new sections, designated §8-35-3, §8-35-4, §8-35-5, and §8-35-6, all relating generally to fiscal emergencies of local governments; establishing a system to remediate those emergencies; requiring certain action be taken by the State Auditor or a designee; and modernizing the process for the dissolution of municipalities”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate Tully:**

**H. B. 3207** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-9d, relating to prohibiting the use of electronic tracking devices”; to the Committee on the Judiciary.

**By Delegate C. Pritt:**

**H. B. 3208** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-4-905, relating to allowing for CPS expungement in certain circumstances”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

**By Delegate Westfall:**

**H. B. 3209** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, §11-13MM-3, §11-13MM-4, §11-13MM-5, and §11-13MM-6, all relating to creating the Rehabilitation of Blighted Properties Tax Credit Act; providing for a credit against state corporate net income taxes and personal income taxes; providing for carryback and carryforward of certain tax credits; providing for the allowance of certain tax credits in specific taxable years; providing for the application of certain tax credits; providing definitions; and authorizing rulemaking”; to the Committee on Economic Development and Tourism then Finance.

**By Delegates Phillips, Horst, Crouse and Thorne:**

**H. B. 3210** - “A Bill to amend and reenact §15A-10-15 of the Code of West Virginia, 1931, as amended, relating to the performance of installation of propane gas systems”; to the Committee on Government Organization.

**By Delegates Storch, Anderson, Kump, Reynolds, Ferrell, Hite, C. Pritt, Marple, Hornbuckle, E. Pritt and Fluharty:**

**H. B. 3211** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-22-6a, relating to authorizing service credit for unused accrued annual or sick leave days for use in determining retirement benefits from the municipal police and firefighter retirement systems still administered by municipalities”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Storch, Howell and Clark:**

**H. B. 3212** - “A Bill to amend and reenact §46-1-201, §46-1-204, §46-1-301, and §46-1-306 of the Code of West Virginia, 1931 as amended; to amend and reenact §46-2-102, §46-2-106, §46-2-201, §46-2-202, §46-2-203, §46-2-205, and §46-2-209 of said code; to amend and reenact §46-2A-102, §46-2A-103, §46-2A-107, §46-2A-201, §46-2A-202, §46-2A-203, §46-2A-205, and §46-2A-208 of said code; to amend and reenact §46-3-104, §46-3-105, §46-3-401, and §46-3-604 of said code; to amend and reenact §46-4A-103, §46-4A-201, §46-4A-202, §46-4A-203, §46-4A-207, §46-4A-208, §46-4A-210, §46-4A-211, and §46-4A-305 of



said code; to amend and reenact §46-5-104 and §46-5-116 of said code; to amend and reenact §46-7-102 and §46-7-106 of said code; to amend and reenact §46-8-110 and §46-8-303 of said code; to amend and reenact §46-9-102, §46-9-104, §46-9-105, §46-9-203, §46-9-204, §46-9-207, §46-9-208, §46-9-209, §46-9-210, §46-9-301, §46-9-304, §46-9-305, §46-9-310, §46-9-312, §46-9-313, §46-9-314, §46-9-316, §46-9-317, §46-9-323, §46-9-324, §46-9-330, §46-9-331, §46-9-332, §46-9-334, §46-9-341, §46-9-404, §46-9-406, §46-9-408, §46-9-509, §46-9-513, §46-9-601, §46-9-605, §46-9-608, §46-9-611, §46-9-613, §46-9-614, §46-9-615, §46-9-616, §46-9-619, §46-9-620, §46-9-621, §46-9-624, §46-9-628; to amend said code by adding thereto 7 new sections, designated §46-9-105A, §46-9-107A, and §46-9-107B; §46-9-306A; §46-9-306B; §46-9-314A; and §46-9-326A; to amend said code by adding a new article, designated §46-12-101, §46-12-102, §46-12-103, §46-12-104, §46-12-105, §46-12-106, §46-12-107; and to amend said code by adding a new article, designated §46-12A-101, §46-12A-102, §46-12A-201, §46-12A-301, §46-12A-302, §46-12A-303, §46-12A-304, §46-12A-305, §46-12A-306, §46-12A-401, all relating to amending the Uniform Commercial Code; defining terms; clarifying article applies to transactions in goods and setting forth the extent to which it applies in a hybrid transaction; amending requirements for statute of frauds by requiring a record sufficient to indicate the contract has been made rather than a writing; amending requirement for parole or extrinsic evidence by replacing the requirement that the parties agree in writing and substituting a requirement that the parties agree in a record; amending the requirement for seals by requiring that the seal be affixed to a record; amending the requirement for firm offers in that the offer must be in a record rather than a writing; amending the requirement for modification, rescission and waiver; amending the scope of leases to incorporate a hybrid lease; amending signature requirements; adding requirement stating that an obligation of a party is not discharged solely by destruction of the check in connection with a process in which information is extracted from the check and an image of the check is made; amending security procedures to add an obligation on the receiving bank or the customer to require symbols, sounds, or biometrics, or requiring a payment or to be sent from a known email address, IP

address, or telephone number; clarifying choice of law provisions; clarifying when a person has control of an electronic document of title; setting forth requirements for control of electronic copy of record evidencing chattel paper; setting forth requirements for control of electronic money; setting forth additional duties of security party having control of collateral; setting forth law governing perfection and priority of security interests in chattel paper; amending the perfection of security interests to include controllable accounts, controllable electronic records, and controllable payment intangibles; setting forth that a security interest in electronic money may be perfected only by control; providing a description of perfection by possession and control and time of perfection; stating terms restricting assignment, legal restrictions on assignment are generally ineffective and law relating to the inapplicability of the assignment of health care insurance do not apply to a security interest in an ownership interest in a general partnership, limited partnership, or a limited liability company; stating that no duty is owed by a secured party but providing exceptions to this general rule; providing new form for the disposition of collateral; providing exceptions to limitations of liability; setting forth conflicts in relation to Article 9 and consumer laws; setting forth rights in controllable accounts, controllable electronic record, and controllable payment intangible; setting forth what constitutes control of controllable electronic record; setting forth discharge of account debtor on controllable account or controllable payment intangible; setting forth governing law; providing for transitional provisions; providing for adjustment date; providing for saving clause; providing for effective date”; to the Committee on the Judiciary.

**By Delegate Dillon:**

**H. B. 3213** - “A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to the authority of county boards to regulate athletic and other extracurricular activities of secondary schools require no enrollment in a public school program; participation by home schooled students; and removing the condition that a home schooled student be enrolled in at least one virtual instructional course per semester as a

condition of playing school sports”; to the Committee on Education.

**By Delegates Capito and Riley:**

**H. B. 3214** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-25, relating to creation of the ‘Road Optimization and Assessment Data Road Pilot Program’; legislative findings and purpose; Commissioner of Highways to promulgate rules; and specifics to be contained in rules to determine how best to maintain roads and highways”; to the Committee on Technology and Infrastructure.

**By Delegate Riley:**

**H. B. 3215** - “A Bill to amend and reenact §8A-1-2, §8A-2-7, §8A-4-2, §8A-5-1, §8A-5-3, §8A-5-6, §8A-5-8, §8A-8-4, and §8A-8-5, of the Code of West Virginia, 1931, as amended, all relating to land use planning; modifying definitions; modifying the frequency of planning commission meetings; clarifying contents of subdivision and land development ordinances; addressing jurisdiction of planning commission; clarifying process for minor proposals; modifying provisions related to approval of major proposals; providing for flexibility in qualifications for county boards of zoning appeals; and modifying frequency of board of zoning appeals meetings”; to the Committee on Economic Development and Tourism.

**By Delegates Nestor, Martin, Steele, Holstein, Phillips, Keaton, Chiarelli, Hott, Riley, Brooks and Statler:**

**H. B. 3216** - “A Bill to amend and reenact §16A-9-2 of the Code of West Virginia, 1931, as amended, relating to including emergency medical services and the safe school fund in the programs that receive a portion of proceeds from the tax on medical cannabis and the medical cannabis fund”; to the Committee on Finance.

**By Delegates Crouse, Vance, Smith, Cannon, Kirby, Ridenour, Heckert, Longanacre, Kimble and Brooks:**

**H. B. 3217** - “A Bill to repeal §17C-16-1, §17C-16-2, §17C-16-3, §17C-16-4, §17C-16-5, §17C-16-6, §17C-16-7, §17C-16-8, and §17C-16-9 of the Code of West Virginia, 1931, as amended,

relating to the elimination of mandatory state inspections of motor vehicles”; to the Committee on Technology and Infrastructure.

**By Delegates Reynolds, Tully, Ferrell, Sheedy, Zatezalo, Jeffries, Willis, Hott, Hite, Kimble and Mazzocchi:**

**H. B. 3218** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-40b; and to amend and reenact §18B-1B-7 of said code, all relating to student suicide prevention; requiring suicide prevention resources be printed on student identification cards for students in grades 6-12 in public schools that issue student identification cards; and requiring suicide prevention resources be printed on student identification cards for students in a public or private institution of higher education that issues student identification cards”; to the Committee on Education.

**By Delegates Nestor, Kump, Vance, Martin, Cannon, Longanacre, C. Pritt, Brooks, Butler, Holstein and Steele:**

**H. B. 3219** - “A Bill to amend and reenact §61-7-6 of the Code of West Virginia, 1931, as amended, relating to exempting retired magistrates from the fees to obtain a concealed carry handgun permit”; to the Committee on the Judiciary.

**By Delegates Barnhart, Anderson, Zatezalo, Cooper, Kelly, Worrell, Kimble and Reynolds:**

**H. B. 3220** - “A Bill to amend and reenact §7-21-3 of the Code of West Virginia, 1931, as amended, relating to increase the maximum amount of money in a county's financial stabilization fund from 30 percent of the county(s) most recent general fund budget to 50 percent of that fund”; to the Committee on Pensions and Retirement then Finance.

**By Delegate Dillon:**

**H. B. 3221** - “A Bill to amend and reenact §18-31-2 of the Code of West Virginia, 1931, as amended, relating to extending Hope Scholarship Program to preschool students”; to the Committee on Finance.

**By Delegates Dillon, Longanacre, Butler, Ross, Dean and Hanna:**

**H. B. 3222** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-9A-10a, relating to public school support; foundation allowances; creating the ‘Direct Foundation Funding Act’; providing that the foundation allowance for instructional funding shall be distributed directly and equally to teachers within districts; and requiring that students and parents receive a notice regarding digital technology use agreement that increased electronic technology use may lead to social, emotional, and psychological complications”; to the Committee on Education then Finance.

**By Delegate Dillon:**

**H. B. 3223** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-20-12, relating to clarifying the special education student to instructor ratio; providing for a waiver; and providing for compensation to the special education teacher should he or she sign the waiver to exceed the limit of students”; to the Committee on Education then Finance.

**By Delegates Statler, Ellington, Toney, Hansen, Walker, Williams, Warner and Chiarelli:**

**H. B. 3224** - “A Bill to amend and reenact §18C-7-3 of the Code of West Virginia, 1931, as amended, relating to adding West Virginia Junior College to the list of eligible institutions that may accept PROMISE scholarship recipients”; to the Committee on Education then Finance.

**By Delegates Hansen, Walker and Williams:**

**H. B. 3225** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-3F-1, §21-3F-2, §21-3F-3, §21-3F-4, §21-3F-5, §21-3F-6, §21-3F-7, §21-3F-8 and §21-3F-9, all relating to labor; providing for healthy workplaces by providing remedies for hostile work environments; defining terms; providing an affirmative defense for employers; banning retaliation in certain circumstances; providing an employer duty to respond to third-party acts of malice; restricting applicability to employment practices not covered by existing state

laws on human rights or wrongful discharge; and providing certain time limitations for commencing action”; to the Committee on Workforce Development then Health and Human Resources then the Judiciary.

**By Delegates Toney and Hott:**

**H. B. 3226** - “A Bill to amend and reenact §15-2A-7 of the Code of West Virginia, 1931, as amended, relating to modifying the West Virginia State Police Retirement System”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Clark, Howell, Kirby, McGeehan, Ferrell, Storch, Cannon, Fehrenbacher, Hornby, W. Hall and Petitto:**

**H. B. 3227** - “A Bill to amend and reenact §11-21-71 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-24-44 of said code, all relating to providing a tax credit against the state corporate net income tax to for-profit corporations or a tax credit against payroll withholdings for nonprofit corporations for expenditures related to the establishment and operation of employer-provided childcare facilities”; to the Committee on Finance.

**By Delegates Clark, Ridenour, Mazzocchi, Hornby and Willis:**

**H. B. 3228** - “A Bill to amend the Code of West Virginia 1931, as amended, by adding thereto a new section, designated §18-2E-12, relating to the creation of the Heart Health Equity Inclusion Program; providing for legislative findings; and providing for required physical education program in physical fitness”; to the Committee on Education.

**By Delegates Clark, Crouse, Ferrell, Honaker, Pinson and Fast:**

**H. B. 3229** - “A Bill to amend and reenact §16-9A-2 and §16-9A-3 of the Code of West Virginia, 1931, as amended, all relating to the increasing the legal age to purchase tobacco products to 21 years of age”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Adkins, Mallow, Chiarelli, Jennings, Heckert, Linville, Cannon, DeVault, Phillips, Mazzocchi and Dittman:**

**H. B. 3230** - “A Bill to amend and reenact §8-10-1b of said code, relating to allowing the mayors of Class III city or Class IV towns or villages to also serve as the chief of police during their service as mayor”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Howell, Linville, Garcia and Keaton:**

**H. B. 3231** - “A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to exempting solar power equipment and installation from the consumer sales tax”; to the Committee on Energy and Manufacturing then Finance.

**By Delegate Riley:**

**H. B. 3232** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-22D-25, relating to amend the regulation of fantasy gaming competitions and implementation of sports wagering by allowing the West Virginia State Gaming Control Board to accredit independent evaluators to audit and opine on the sports betting content directly or indirectly affiliated with mobile sports wagering licensees”; to the Committee on the Judiciary.

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

**H. B. 3233** - “A Bill to amend and reenact §15-1B-11 of the Code of West Virginia, 1931, as amended, relating generally to uniform and equipment allowances for the National Guard”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

**By Delegates Storch, Marple, E. Pritt, Kump, C. Pritt, Anderson and Hornbuckle:**

**H. B. 3234** - “A Bill to amend and reenact §5-10-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-14D-2, §7-14D-14 and §7-14D-15; to amend and reenact §8-22A-2; to amend and reenact §15-2A-2 and §15-2A-9; to amend and reenact §16-5V-2; to amend and reenact §18-7A-3 and §18-7A-25; and to amend and reenact §20-18-2, §20-18-21 and §20-18-22, all relating

to disability retirement medical examinations of the West Virginia Public Employees Retirement System, the Deputy Sheriffs' Retirement System, the Municipal Police and Firefighters Retirement System, the State Police Retirement Fund, the Emergency Medical Services Retirement System, the Teachers Retirement System and the Natural Resources Police Officers Retirement System"; to the Committee on Pensions and Retirement then Finance.

**By Delegates Storch, Marple, E. Pritt, Kump, C. Pritt, Anderson and Hornbuckle:**

**H. B. 3235** - "A Bill to amend and reenact §5-10C-3, §5-10C-4 and §5-10C-5 of the Code of West Virginia, 1931, as amended; all relating to government employees' retirement plans; updating definitions; clarifying pick-up contributions for non-teachers; and inserting new retirement plan in savings clause"; to the Committee on Pensions and Retirement then Finance.

**By Delegates Storch, Marple, Kump, C. Pritt, Anderson and Hornbuckle:**

**H. B. 3236** - "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 the Teachers Retirement System and the Teachers' Defined Contribution Retirement System; defining and amending terms related to electing charter schools; defining medical examination; clarifying notification by employer of a retirant re-employed in a permanent position; adding electing charter school to provisions of delinquent contributions; providing for transfer of assets from the Public Employee Retirement System to the Teachers Retirement System; and adding electing charter schools to retirement contribution section"; to the Committee on Pensions and Retirement then Finance.

**By Delegates Storch, Marple, Kump, C. Pritt, Anderson and Hornbuckle:**

**H. B. 3237** - "A Bill to amend and reenact §18-5G-6 and §18-5G-10 of the Code of West Virginia, 1931, as amended, all relating to public charter schools; providing for successor liability and delinquent retirement contributions; and including retirement



contribution payments as payroll obligation in distribution of assets”; to the Committee on Pensions and Retirement then Finance.

**By Delegate Criss:**

**H. B. 3238** - “A Bill to amend and reenact §11-14C-2 of the Code of West Virginia, 1931, as amended, relating to remove methanol and methanol fuel from the definition of special fuel”; to the Committee on Finance.

**By Delegate Criss:**

**H. B. 3239** - “A Bill to amend and reenact, §44-3A-42 of the Code of West Virginia, 1931, as amended, directing payment of the estate administration fee to the State Auditor”; to the Committee on Finance.

**By Delegate Criss:**

**H. B. 3240** - “A Bill to amend and reenact §11-13A-5b of the Code of West Virginia, 1931, as amended, relating to the West Virginia Future Fund; providing specific dates; and transferring any moneys in the fund to General Revenue”; to the Committee on Finance.

## **Special Calendar**

### **Second Reading**

**Com. Sub. for H. B. 2004**, Prevent the use of payment card processing systems for surveillance of Second Amendment activity and discriminatory conduct; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 2007**, Prohibiting certain medical practices; on second reading, coming up in regular order, was read a second time.

Delegate Fluharty moved to amend the bill on page 2, section 20, line 27, following the words “of age”, by striking out the period and inserting the words “without written consent of a parent or guardian.”

And,

On page 4, section 17, line 27, following the words “of age”, by striking out the period and inserting the words “without written consent of a parent or guardian.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 68**), and there were—yeas 11, nays 87, absent and not voting 2, with the yeas and the absent and not voting being as follows:

Yeas: Fluharty, Garcia, Hansen, Hornbuckle, E. Pritt, Pushkin, Rohrbach, Skaff, Walker, Williams and Young.

Absent and Not Voting: Griffith and Westfall.

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

Delegate Young moved to amend the bill on page 2, section 20, line 26, following the words “altering medication” by inserting the following:

“or any non-medically necessary elective surgery done for cosmetic purposes not associated with correcting a birth defect, physical injury or deformity”

And,

On page 4, section 17, line 26 following the words, “altering medication”, by inserting the words “or any non-medically necessary elective surgery done for cosmetic purposes not associated with correcting a birth defect, physical injury or deformity”.

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

The yeas and nays having been ordered, they were taken (**Roll No. 69**), and there were—yeas 12, nays 87, absent and not voting 1, with the yeas and the absent and not voting being as follows:

Yeas: Fluharty, Garcia, Hansen, Hornbuckle, Kump, E. Pritt, Pushkin, Rowe, Skaiff, Walker, Williams and Young.

Absent and Not Voting: Griffith.

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

There being no further amendments, the bill was ordered to engrossment and third reading.

**Com. Sub. for H. B. 2008**, Requiring local entities to enforce immigration laws; 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 the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

**Com. Sub. for H. B. 2380**, Relating to School Building Authority; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Ellington, the bill was amended on page 16, section §18-9D-6, line 77, after the words “budget shortfalls”, by deleting the underscored language beginning on line 77 through and including line 80.

And,

On page 18, section §18-9D-6, following line 131, by inserting a new subsection designated subsection (f) to read as follows and re-lettering the subsequent subsections:

“(f) Beginning for fiscal year 2023 and each fiscal year thereafter, the School Building Authority shall annually request the Governor to include in the budget bill an amount equal to \$24

million for appropriation to the agency's General Revenue Fund. These funds shall be transferred to the School Construction Fund and used for purposes set out within subsection (c) of this section."

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 2443**, Relating to service employees with National Association for Pupil Transportation Certifications; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2768**, To require all state entities and Chapter 30 boards to use ".gov" domains and e-mail addresses; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

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

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

**H. B. 2941**, To extend the end date of the State Advisory Council on Postsecondary Attainment Goals; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3091**, Requiring counties provide fiscal information for State Auditor's WV Checkbook website; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

#### First Reading

**Com. Sub. for H. B. 2196**, To remove opioid treatment programs from requiring a certificate of need; on first reading, coming up in regular order, was reported by the Clerk.

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

**Com. Sub. for H. B. 2538**, Requiring usage of child welfare information technology systems; coming up in regular order, was read a first time and ordered to second reading,

**Com. Sub. for H. B. 2789**, Removing birthing centers from certificate of need; coming up in regular order, was read a first time and ordered to second reading,

**H. B. 3141**, Relating to the practice of dentistry; coming up in regular order, was read a first time and ordered to second reading.

### **Leaves of Absence**

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

### **Miscellaneous Business**

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

**H. B. 2885**: Delegate Horst.

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

**H. B. 3196**: Delegate E. Pritt.

At 11:54 a.m., the House of Delegates adjourned until 9:00 a.m., Friday, February 3, 2023.

---

Friday, February 3, 2023

**TWENTY-FOURTH DAY**

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

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

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

The Clerk proceeded to read the Journal of Thursday, February 2, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

Delegate Jennings, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

**H. B. 2666**, Authorizing the Governor's Committee on Crime to promulgate a legislative rule relating to protocol for law enforcement response to domestic violence,

**H. B. 2667**, Authorizing the Division of Emergency Management to promulgate a legislative rule relating to National Flood Insurance Program,

And,

**H. B. 2675**, Authorizing the State Police to promulgate a legislative rule relating to West Virginia State Police professional standards investigations, employee rights, early identification system, psychological assessment, and progressive discipline,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2666, H. B. 2667 and H. B. 2675) were each referred to the Committee on the Judiciary.

Delegate Jennings, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 2967) was referred to the Committee on Government Organization.

Delegate Jennings, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

**H. B. 2774**, Welcome Home Grant Program,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2774) was referred to the Committee on Finance.

Delegate Jennings, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

**H. B. 2834**, Amending the existing War Orphan program so children and spouses of deceased active-duty officers AND enlisted Service members would both be eligible for the War Orphan Education Program,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2834) was referred to the Committee on Education.

Delegate Jennings, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

**H. B. 2968**, Tuition and fee exemptions for service-connected Disabled Veterans and their dependents,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2968) was referred to the Committee on Finance.

Delegate Jennings, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:



**H. B. 2916**, Relating to terrorism,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2916) was referred to the Committee on the Judiciary.

Delegate Martin, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 3111**, Creating Infrastructure Ready Jurisdictions,

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

In accordance with the former direction of the Speaker, the bill (H. B. 3111) was referred to the Committee on Technology and Infrastructure.

Delegate Martin, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 2576**, Municipalities may not assess a user fee when employee was not present in the municipality in the performance of his or her job,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2576) was referred to the Committee on the Judiciary.

Delegate Martin, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 2498**, To require medication-assisted treatment programs to have written policies concerning community relations,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2498) was referred to the Committee on Health and Human Resources.

Delegate Mazzocchi, Chair of the Committee on Senior, Children, and Family Issues, submitted the following report, which was received:

Your Committee on Senior, Children, and Family Issues has had under consideration:

**H. B. 2123**, Expanding definition of who may apply for grandparent visitation,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2123) was referred to the Committee on the Judiciary.

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

Your Committee on Energy and Manufacturing has had under consideration:

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 3130) was referred to the Committee on Government Organization.

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

Your Committee on Energy and Manufacturing has had under consideration:

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 3012) was referred to the Committee on Finance.

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

Your Committee on Energy and Manufacturing has had under consideration:

**H. B. 3110**, Relating to funding the Office of Oil and Gas in the Department of Environmental Protection,

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

In accordance with the former direction of the Speaker, the bill (H. B. 3110) was referred to the Committee on Finance.

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

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

**H. B. 2019**, Making Delta-8 and Delta-7 controlled substances,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2019) was referred to the Committee on the Judiciary.

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

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

**S. B. 241**, Relating to Patient Brokering Act,

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

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

Your Committee on Jails and Prisons has had under consideration:

**H. B. 2793**, Relating to mental health treatment for inmates,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2793) was referred to the Committee on the Judiciary.

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

Your Committee on Jails and Prisons has had under consideration:

**H. B. 2895**, Granting a cost of living stipend to correctional officers employed by the Division of Corrections and Rehabilitation,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2895) was referred to the Committee on Finance.

### **Messages from the Senate**

A message from the Senate, by

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

**S. B. 21** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-22-4; and to amend and reenact §21-1C-5 of said code, all relating to requiring certain documents that include records of wages be considered confidential; prohibiting governmental entity that requires private company contracting with, or seeking to contract with, a governmental entity for a construction project to submit any document that includes records of actual wages paid to employees from disclosing document or information contained therein to any other entity or person; permitting disclosure of such document or information to state or federal agency; providing that any such document containing records of actual wages paid to employees shall be considered confidential and proprietary and may not be considered a public record; defining “governmental entity”; defining contents of certified payroll document; providing that any document containing records of actual wages paid to employees filed or submitted pursuant to the West Virginia Jobs Act may not be disclosed by the Division of Labor or a public authority to any

other entity or person other than to a state or federal agency; and providing that any document submitted or filed pursuant to the West Virginia Jobs Act that includes records of actual wages paid to employees or information contained therein shall be considered confidential and proprietary and may not be considered a public record”; which was referred to the Committee on the Judiciary.

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. 83**, Authorizing tactical medical professionals to carry firearms.

A message from the Senate, by

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

**Com. Sub. for S. B. 356** - “A Bill to amend and reenact §64-8-1 *et seq.* of the Code of West Virginia, 1931, as amended; and to amend and reenact §64-12-5 of said code, all relating generally to authorizing certain agencies of the Department of Transportation to promulgate and repeal legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee; authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to administrative due process; authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to examination and issuance of driver’s license; authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to denial, suspension, revocation, disqualification, restriction, nonrenewal, cancellation, administrative appeals, and reinstatement of driving privileges; authorizing the Division of Highways to promulgate a legislative rule relating to disposal, lease, and management of real property and appurtenant structures and relocation assistance; and authorizing the Department of Transportation, State Rail Authority to repeal a legislative rule relating to organization and meetings”; which was referred to the Committee on the Judiciary.

### **Resolutions Introduced**

The following resolutions were introduced and severally referred as follows:

**By Delegates Barnhart, Anderson, Brooks, Butler, Cannon, Coop-Gonzalez, Crouse, Dean, Fehrenbacher, Ferrell, Foggin, Forsht, Gearheart, A. Hall, Heckert, Hite, Honaker, Horst, Hott, Kelly, Kump, Linville, Longanacre, Mallow, Miller, Nestor, Reynolds, Rohrbach, Shamblin, Sheedy, Storch, Summers, Vance, Westfall, Worrell and Zatezalo:**

**H. R. 12** – “Strongly encouraging Monongahela Power Company to purchase Pleasants Power Station”; to the Committee on Energy and Manufacturing then Rules

**By Delegates Cooper, Hillenbrand, Ridenour, Sheedy, Heckert, Kirby, Crouse, Nestor, Kimble and Griffith:**

**H. C. R. 15** – “Requesting That the Joint Committee on Government and Finance send official correspondence to West Virginia’s federal delegations stating West Virginia veterans’ concerns and objections to the two TRICARE for Life (“TFL”) proposals found in the Congressional Budget Office (CBO) biennial report that would significantly increase costs for seniors using the TFL benefit”; to the Committee on Veterans’ Affairs and Homeland Security then Rules.

And,

**By Delegates Gearheart, Smith, Maynor, Ellington, Cooper, Worrell, Longanacre, Butler, McGeehan, Ridenour and Householder:**

**H. C. R. 16** – “Requesting the Division of Highways name bridge number 28-077/00-002.95 (SB & NB) (28A113, 28A176), (37.30200, -81.09395), locally known as the Southbound and Northbound East River Bridge, carrying Interstate 77 over the East River, NS RR,CO 38/5 in Mercer County, the ‘U. S. Army Staff Sgt. James Ira “Junior” Spurrier Memorial Bridge””; to the Committee on Technology and Infrastructure then Rules.

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

**By Delegates Horst, Kump, Mazzocchi, Linville, Phillips, C. Pritt, McGeehan, Hite, Coop-Gonzalez, Kimble and Longanacre:**

**H. J. R. 23** - “Proposing an amendment to the Constitution of the State of West Virginia, amending §6, Article III, relating to the prohibition of unreasonable searches and seizures; adding all other property – whether real or personal tangible or digital, personally possessed or possessed by another; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

And,

**By Delegates Hillenbrand, Mallow, DeVault, Hott, Barnhart, Honaker, Hardy, Jennings, Statler and Keaton:**

**H. J. R. 24** - “Proposing an amendment to the Constitution of the State of West Virginia, amending section one, article X thereof, relating to lowering the threshold required for a fire levy; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

### **Bills Introduced**

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

**By Delegates Storch, Marple, E. Pritt, Kump, C. Pritt and Hornbuckle:**

**H. B. 3241** - “A Bill to amend and reenact §5-10D-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5-10D-14, all relating to the Consolidated Public Retirement Board; setting the rate of interest on delinquent retirement contribution submissions; and prohibiting employer unilateral termination without legislative action”; to the Committee on Pensions and Retirement then Finance.



**By Delegates Storch, Marple, E. Pritt, Kump, C. Pritt, Anderson and Hornbuckle:**

**H. B. 3242** - “A Bill to amend and reenact §16-5V-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-5V-36, all relating to the Emergency Medical Services Retirement System; defining and amending terms related to county firefighters, medical examination, and 911 personnel; and adding a severability section”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Storch, Marple, E. Pritt, Kump, C. Pritt, Anderson and Hornbuckle:**

**H. B. 3243** - “A Bill to amend and reenact §8-22-23a of the Code of West Virginia, 1931, as amended, relating to examinations for disability pensions”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Storch, Marple, C. Pritt, Anderson and Hornbuckle:**

**H. B. 3244** - “A Bill to amend and reenact §8-33-4b of the Code of West Virginia, 1931, as amended, relating to require the municipal pensions oversight board to propose legislative rules”; to the Committee on Pensions and Retirement then Finance.

**By Delegate Criss:**

**H. B. 3245** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §11-21-12n and §11-21-63, all related to providing an election for pass-through entities to pay income tax at the entity level; setting forth the method of claiming the election; defining terms; setting forth a rate of tax; dealing with claims for refunds and issuing assessments; dealing with claiming tax credits; providing increasing and decreasing modifications for partners and shareholders when the pass-through entity elects to pay the tax at the entity level; providing for rulemaking; and setting forth an effective date which is retroactive”; to the Committee on Finance.

**By Delegate Criss:**

**H. B. 3246** - “A Bill to amend and reenact §11-10-17 of the Code of West Virginia, 1931, as amended, relating to removing the additional one and one-half percent interest rate for tax underpayments and specifying an effective date”; to the Committee on Finance.

**By Delegates Linville, Rohrbach, Summers and Mazzocchi:**

**H. B. 3247** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-2A-1, §9-2A-2, §9-2A-3, §9-2A-4, and §9-2A-5, all relating to the creation of the Abuse and Neglect Oversight Act; providing for a short title; providing for legislative findings regarding the necessity for this article; providing for enactment of the article, as well as specific responsibilities required of the Department of Health and Human Services and the Bureau of Medical Services; and providing for reporting to ensure oversight is taking place”; to the Committee on Health and Human Resources.

**By Delegate Westfall:**

**H. B. 3248** - “A Bill expiring funds to the balance of the unappropriated surplus balance in the State Fund, General Revenue, in the amount of \$2,447.07 from the balance of moneys remaining in the Stripper Well NDL 378 Fund, fund 1218, the Enforcement of Guardianship and Conservatorship, fund 1228, and the Technology Support and Acquisition Fund, fund 1233”; to the Committee on Finance.

**By Delegate Westfall:**

**H. B. 3249** - “A Bill to amend and reenact § 59-1-14 of the Code of West Virginia, 1931, as amended, relating to the fees to be charged by sheriffs for performing certain tasks”; to the Committee on Finance.

**By Delegate Westfall:**

**H. B. 3250** - “A Bill to amend and reenact §32-4-406 and §32-4-407a of the Code of West Virginia, 1931, as amended; and to amend said code by adding twelve new sections, designated §32-7-701, §32-7-702, §32-7-703, §32-7-704, §32-7-705, §32-7-706, §32-7-707, §32-7-708, §32-7-709, §32-7-710, §32-7-711, and §32-

7-712, all generally relating to authorizing victim restitution and creating a restitution assistance fund for victims of securities violations; providing a short title; providing definitions, creating the Securities Restitution Operating Fund; providing for the manner and procedures for applications for restitution assistance; providing the manner and procedures for the payment of restitution assistance awards; detailing the situations in which restitution is prohibited; providing for subrogation; providing for a lien on recovery and refunds of excessive restitution amounts; providing for the suspension of claims; exempting the restitution awards from attachment or intercept; authorizing the Auditor to promulgate rules regarding the restitution program; providing an effective date; permitting the Auditor to transfer three percent of securities fees collected to the Securities Restitution Operating Fund; and authorizing the awarding of restitution in an administrative assessment”; to the Committee on the Judiciary then Finance.

**By Delegate Westfall:**

**H. B. 3251** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-10-1 and §12-10-2, all relating to prompt payment of legitimate, uncontested invoices by state agencies, providing that registered and qualified vendors shall be entitled to prompt payment upon presentation to a state agency of a legitimate, uncontested invoice; providing the rate of interest and manner of calculation; determining the date an invoice is considered received by a state agency; outlining rights of state agencies to receive updated invoices with interest prior to payment; requiring State agencies to explain and calculate interest on the payment claim at the time it is submitted to the State Auditor; providing the timeline in which state agencies shall process payments; providing the timeline in which state agencies shall process payments for other agencies; providing for the definition of a state agency; and providing for exceptions”; to the Committee on Government Organization.

**By Delegate Westfall:**

**H. B. 3252** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-3A-8, relating to prohibiting banks and payment networks from

tracking firearm-related data and outlining penalties regarding the state and local purchasing card contract if banks and payment networks track firearm-related data”; to the Committee on the Judiciary.

**By Delegate Westfall:**

**H. B. 3253** - “A Bill to amend and reenact §15A-3-17 of the Code of West Virginia, 1931, as amended, relating to appropriations to the Jail Operations Partial Reimbursement Fund”; to the Committee on Finance.

**By Delegates Street, Pinson, Butler, Keaton, Holstein, Forsht, Gearheart, Crouse, Howell, Hott and Householder:**

**H. B. 3254** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-1B-28, relating to establishing a State Military Funeral Honor Guard in honor of Hershel ‘Woody’ Williams, known as the Hershel ‘Woody’ Williams State Military Funeral Honor Guard to render professional military funeral honors, in accordance with service tradition, to West Virginia eligible veterans when requested by an authorized family member”; to the Committee on Veterans' Affairs and Homeland Security then Finance.

**By Delegate Walker:**

**H. B. 3255** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-12-14, relating to notifying persons granted parole prior to release that a driver's license may no longer be suspended solely for failure to pay costs, fines, or penalties and of eligibility to vote in public elections”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate Young:**

**H. B. 3256** - “A Bill to amend and reenact §17-16A-13 of the Code of West Virginia, 1931, as amended, relating to providing that toll booths on toll roads accept credit card payments in lieu of cash payments”; to the Committee on Technology and Infrastructure.

**By Delegate Young:**

**H. B. 3257** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-4G-1, §16-4G-2, §16-4G-3, §16-4G-4, §16-4G-5, relating to legislative findings and intent; providing definitions; requiring perinatal facilities in this state to implement evidence-based implicit bias programs for health care professionals in those facilities; to require certain components in such programs; to provide training; and to provide for the compilation and tracking of data on severe maternal morbidity and pregnancy-related deaths and other related matters”; to the Committee on Health and Human Resources.

**By Delegate Young:**

**H. B. 3258** - “A Bill to amend and reenact §17-16A-4 and §17-16A-10 of the Code of West Virginia, 1931, as amended, relating to ending the collection of tolls on the West Virginia Turnpike after the bonds are paid off”; to the Committee on Technology and Infrastructure then Finance.

**By Delegate Young:**

**H. B. 3259** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-16A-31, relating to exempting school buses from paying toll fees”; to the Committee on Education then Finance.

**By Delegates Young and Linville:**

**H. B. 3260** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-66-1, §16-66-2, §16-66-3, and §16-66-4, all relating to creating the Genetic Information Privacy Act; and to provide guidelines for the collection, storage, and protection of privacy with concern to genetic material and information”; to the Committee on the Judiciary.

**By Delegate Young:**

**H. B. 3261** - “A Bill amend and reenact §30-30-16 of the Code of West Virginia, 1931, as amended, relating to modifying the qualifications for social workers in West Virginia”; to the Committee on Government Organization.

**By Delegate Westfall:**

**H. B. 3262** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto by adding a new section, designated §12-3-21; and to amend said code by adding thereto a new section, designated §12-6D-8, all relating generally to exempting purchases made by the Auditor and West Virginia Enterprise Resource Planning Board from certain provisions of this code and requiring both the Auditor and Enterprise Resource Planning Board to maintain and adopt internal competitive procurement processes”; to the Committee on Government Organization.

**By Delegates Young, Steele and Cannon:**

**H. B. 3263** - “A Bill to amend and reenact §18-5D-3 of the Code of West Virginia, 1931, as amended, relating to statewide expansion of Healthy School Meals for All through maximizing participation in the Community Eligibility Provision (CEP) or other universal meal options by requiring all schools that qualify for CEP to apply for this funding”; to the Committee on Education then Finance.

**By Delegate Young:**

**H. B. 3264** - “A Bill to amend and reenact §11-12-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-12C-2 of this code, all relating to a onetime fee and tax free day for a new for profit business or domestic corporation to obtain a license in this state”; to the Committee on Economic Development and Tourism then Finance.

**By Delegates Heckert, Adkins, Ross, Maynor, Foggin, Cooper, Miller and Crouse:**

**H. B. 3265** - “A Bill to amend and reenact §59-1-14 of the Code of West Virginia, 1931, as amended, relating to service of process by sheriff”; to the Committee on the Judiciary.

**By Delegates Reynolds, Barnhart, Ferrell, Honaker, Hillenbrand, Sheedy, Heckert and Mazzocchi:**

**H. B. 3266** - “A Bill to amend and reenact §29-3E-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §33-3-14d and §33-3-33 of said code; and to amend and reenact §33-12C-7 of said code, all relating to distribution of certain taxes

and surcharges to benefit volunteer and part-volunteer fire departments and emergency medical services providers; defining terms; providing method of allocation and distribution for proceeds of fireworks safety fee deposited in Fire Protection Fund; eliminating obsolete language; increasing surcharge on fire and casualty policies; providing method of allocation of policy surcharge; requiring the State Fire Marshal provide certain information to the State Treasurer; increasing tax on surplus lines policies; providing method of allocation of surplus lines policy tax; and clarifying requirements for distribution of funds in Fire Protection Fund”; to the Committee on Fire Departments and Emergency Medical Services then Finance.

**By Delegates Hillenbrand, Burkhammer, Street, Sheedy, Phillips, Foggin, Cooper, Steele, Thorne, Horst and Coop-Gonzalez:**

**H. B. 3267** - “A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating to requiring legislators who hold a current concealed carry permit to register with the Capitol Police an intent to carry concealed firearms within the Capitol buildings”; to the Committee on the Judiciary.

**By Delegates Barnhart, Worrell, Linville, Reynolds and Ferrell:**

**H. B. 3268** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17B-2-16; and to amend said code by adding thereto a new article, designated §33-62-1, all relating to adding protections for West Virginia residents who reside out of state for certain time periods from non-renewal of licenses and registration”; to the Committee on Technology and Infrastructure.

**By Delegates Barnhart, Martin and Reynolds:**

**H. B. 3269** - “A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to requiring a course in personal finance in all public, private, parochial, and denominational schools located within this state by the completion of the 12th grade”; to the Committee on Education then Finance.

**By Delegates Hott, Westfall, Householder, Criss, Espinosa, Hardy, Cooper, Heckert, Howell, Hillenbrand and Jennings:**

**H. B. 3270** - “A Bill to amend and reenact §23-4-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §23-4-2a, §23-4-2b and §23-4-2c, all relating to the deliberate intent exception to the immunities provided under Workers Compensation by clarifying the definition of employee, removing occupational pneumoconiosis as a covered injury pursuant to this section, requiring bifurcation of discovery upon request of the defendant, establishing a limit on noneconomic loss, accounting for collateral source payments for the same injury, setting a limit on fees and costs recoverable by attorney for the claimant or dependent”; to the Committee on the Judiciary.

**By Delegates Mazzocchi, Kimble, Holstein, Fast, Ellington, Longanacre, Horst, Walker, Statler, Keaton and Warner:**

**H. B. 3271** - “A Bill to amend and reenact §18-20-11 of the Code of West Virginia, 1931, as amended, relating to increasing monitoring of special education classrooms; adding that an audio recording device be present in the restroom of a self-contained classroom; requiring that notice of audio recording device be placed on bathroom door; requiring county to monitor school audio recordings for at least 15 minutes every 90 days; and setting forth other review parameters for audio recordings”; to the Committee on Education then the Judiciary.

**By Delegates Criss, Hardy, Householder, Barnhart, Westfall, Jeffries, Hott and Capito:**

**H. B. 3272** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §31I-1-1, §31I-1-2, §31I-1-3, §31I-1-4, §31I-1-5, §31I-1-6, §31I-1-7, §31I-1-8, §31I-1-9, §31I-1-10, §31I-1-11, and §31I-1-12, all relating to the operation of private trust companies in the State of West Virginia; and to amend and reenact §36-1A-1 of said code, relating to the statutory rule against perpetuities in the State of West Virginia”; to the Committee on Banking and Insurance then the Judiciary.



**By Delegates Keaton, Linville, Phillips, Steele, Cannon, Street, Clark, Zatezalo, Maynor and Honaker:**

**H. B. 3273** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-12B-1, §18B-12B-2, §18B-12B-3, §18B-12B-4, §18B-12B-5; relating to establishing the State Tech Transfer Commission”; to the Committee on Education then the Judiciary.

**By Delegates Worrell, Crouse, Westfall, Dean, Hornby, Petitto, Storch, Honaker, Hite and Longanacre:**

**H. B. 3274** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-4F-1, §9-4F-2, §9-4F-3, §9-4F-4, §9-4F-5, §9-4F-6, §9-4F-7, §9-4F-8, and §9-4F-9, all relating to creating the Affordable Medicaid Buy-In Program; requiring the Department of Health and Human Resources to develop and administer the Affordable Medicaid Buy-In Plan; setting eligibility criteria and coverage requirements; specifying role and duties of the Department of Health and Human Resources; establishing an advisory council to the Affordable Medicaid Buy-In Program; defining terms; setting limitations of employers; requiring a full-cost option be available for individuals who do not meet financial qualifications; requiring rule-making; and mandating application for necessary federal Medicaid options and innovation waivers to maximize federal funding of the Program”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate C. Pritt:**

**H. B. 3275** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15A-13-1; to amend said code by adding thereto a new section, designated §18-31-14; and to repeal §25-5-5 of said code, all relating to the creation of private prisons in West Virginia; permitting the HOPE scholarship to apply to those in private prison who seek to achieve their high school diploma or GED; setting forth the terms of the private prison; and repealing the prohibition against private prisons in West Virginia”; to the Committee on Jails and Prisons then the Judiciary then Finance.

**By Delegate Young:**

**H. B. 3276** - “A Bill to amend and reenact §18-20-11 of the Code of West Virginia, 1931, as amended, relating to providing video cameras in every classroom in which there is a nonverbal student”; to the Committee on Education then Finance.

**By Delegate Young:**

**H. B. 3277** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2S-1, §16-2S-2, §16-2S-3, §16-2S-4, §16-2S-5, §16-2S-6, §16-2S-7, §16-2S-8, §16-2S-9, §16-2S-10, §16-2S-11, §16-2S-12, §16-2S-13, §16-2S-14, §16-2S-15, §16-2S-16, §16-2S-17, §16-2S-18, §16-2S-19, and §16-2S-20, all relating to establishing the Family and Medical Leave Insurance Benefits Act; defining terms; detailing eligibility requirements; declaring the duration of benefits authorized by the article; noting the amount of benefits; specifying contributions; setting certain requirements and entitlements under the article; protecting against certain adverse action for exercising certain rights under the article; prohibiting retaliation or discrimination under the article; declaring the article to run concurrently with other leave-related laws; requiring employers to provide certain notice; detailing the process for enforcing the article; addressing erroneous payments and disqualification; permitting self-employed persons to elect coverage with certain requirements; requiring the Insurance Commissioner to establish the Family and Medical Leave Insurance Program; requiring certain disclosures related to federal income tax; creating the Family and Medical Leave Insurance Account Fund; authorizing certain expenditures from the fund and investments of the fund; requiring annual reports to the Legislature; requiring the Insurance Commissioner to implement a public education program; encouraging the Insurance Commissioner to use state data collection and technology to integrate the program with other state policies; authorizing legislative rules by a certain date; and setting an internal effective date”; to the Committee on Banking and Insurance then Finance.

**By Delegates Summers and Tully:**

**H. B. 3278** - “A Bill to amend and reenact §30-8-3, §30-8-6 and §30-8-9 of the Code of West Virginia, 1931, as amended, all relating to the practice of optometry; establishing the Accreditation Council on Optometric Education as an accrediting body; defining ophthalmic surgery; removing obsolete areas of the code; and requiring certain procedures to be approved by an accredited body”; to the Committee on Health and Human Resources then Government Organization.

**By Delegates Linville, Phillips, Jeffries, Maynor, Howell, Steele, Worrell, Hanshaw (Mr. Speaker) and McGeehan:**

**H. B. 3279** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-1-5b; and to amend and reenact §51-11-4 of said code, all relating to Municipal Home Rule appeals; providing for appeals and grounds therefor; providing who is eligible to appeal; and providing procedures for the appeal”; to the Committee on Government Organization then the Judiciary.

**By Delegates Marple, Dean, Hott, Anderson, Zatezalo, Jennings, Adkins, Mallow, Petitto, DeVault and Kimble:**

**H. B. 3280** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-7-1 of said code, all relating to pension benefits exempt from income taxation; and including Division of Natural Resources police, deputy sheriffs, full-time firefighters, and municipal police officers into the class of law-enforcement officers exempted”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Storch, Anderson, Kump, Marple, Hornbuckle, E. Pritt and Ferrell:**

**H. B. 3281** - “A Bill to amend and reenact §20-18-5 and §20-18-6 of the Code of West Virginia, 1931, as amended, all relating to Natural Resource Police Officer Retirement; providing for supplemental funding of the West Virginia Natural Police Officer Retirement System; and providing for additional recruitment and retention opportunities of Natural Resources Police Officers”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Storch, Anderson, Kump, Marple, Hornbuckle and E. Pritt:**

**H. B. 3282** - “A Bill to amend and reenact §8-22A-18 of the Code of West Virginia, 1931, as amended, relating to decreasing the time period of eligibility for nonduty disability from 10 to five or more years of contributory service for the West Virginia Municipal Police Officers and Firefighters Retirement System”; to the Committee on Pensions and Retirement then Finance.

**By Delegate Linville:**

**H. B. 3283** - “A Bill to amend and reenact §12-4-14, of the Code of West Virginia, 1931, as amended, relating to the Grant Transparency and Accountability Act; and clarifying reporting requirements for matching portions of federal grants”; to the Committee on Technology and Infrastructure then Finance.

**By Delegates Fehrenbacher, Espinosa, Zatezalo, Hillenbrand, Mallow, Adkins, Westfall and Anderson:**

**H. B. 3284** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-2C-1, §29-2C-2, §29-2C-3, §29-2C-4, §29-2C-5, and §29-2C-6, all relating to regulation of unmanned aircraft systems; requiring compliance with federal laws and regulations relating to such vehicles; defining terms; creating criminal offenses for certain conduct using an unmanned aircraft system and setting penalties therefor; precluding admissibility in civil, criminal and administrative proceedings of images or the evidence obtained in violation of the provisions of this article; and requiring the West Virginia Aeronautics Commission, the West Virginia Department of Military Affairs and Public Safety, the West Virginia Sheriffs’ Bureau for Professional Standards and the West Virginia State Police to propose legislative rules and promulgate emergency rules”; to the Committee on the Judiciary.

**By Delegates Dillon, Ross and Dean:**

**H. B. 3285** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2E-5e, related to separating standardized test score reporting based on attendance level of the student and using qualifiers to identify the different reporting expectations”; to the Committee on Education.

**By Delegate Criss:**

**H. B. 3286** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-24-6c, relating to an additional modification decreasing federal taxable income; providing for definitions; and providing for net liability under apportionment”; to the Committee on Finance.

**By Delegates Rohrbach and Criss:**

**H. B. 3287** - “A Bill to amend and reenact §49-4-601b of the Code of West Virginia, 1931, as amended, relating to providing that records of Department of Health and Human Services of sustained and non-sustained allegations of child abuse or neglect are preserved; and establishing timeframes for preservation depending on whether the allegations are sustained or not sustained and the severity of the degree of abuse or neglect”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

**By Delegates Dean and Howell:**

**H. B. 3288** - “A Bill to amend and reenact §61-8-31 of the Code of West Virginia, 1931, as amended, relating to the criminal offense of therapeutic deception; and including medical doctors and doctors of osteopathy as medical professionals who are subject to the prohibition against therapeutic deception”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Dean and Howell:**

**H. B. 3289** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §41-3-12, relating to providing that any next of kin who is criminally responsible for the death of a relative may not be involved in the decedent’s burial arrangements”; to the Committee on the Judiciary.

**By Delegates Dean and Worrell:**

**H. B. 3290** - “A Bill to amend and reenact §20-2-42x of the Code of West Virginia, 1931, as amended, relating to modifying privileges of senior hunting and fishing licenses”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate E. Pritt:**

**H. B. 3291** - “A Bill to amend and reenact §37-6-5 and §37-6-30 of the Code of West Virginia, 1931, as amended, all relating to landlords and tenants; extending notice of rent increase in certain circumstances; providing prior notice to enter rented premises by landlord and exceptions thereto; allowing renter to effectuate repairs after notice to landlord if landlord fails to make repairs to restore habitability of the premises; requiring repairs be reasonable and with proper workmanship; and making landlord liable for certain repairs facilitated by a tenant”; to the Committee on the Judiciary.

**By Delegates Statler, Mallow, Jennings and Sheedy:**

**H. B. 3292** - “A Bill to amend and reenact §16-5V-2 of the Code of West Virginia, 1931, as amended, relating to amending the definition of ‘participating public employer’”; to the Committee on Pensions and Retirement then Finance.

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

**H. B. 3293** - “A Bill to amend and reenact §18-20-10 of the Code of West Virginia, 1931, as amended, relating generally to identifying and educating exceptional children exhibiting indicators or diagnosed with dyslexia or dyscalculia; and establishing requirements for the state educational agency and local educational agencies to identify and support students with dyslexia or dyscalculia indicators or diagnosis in the public school system”; to the Committee on Education.

**By Delegates Anderson, Zatezalo, Westfall, Fehrenbacher, Street, Crouse, Heckert, Bridges, Holstein, Cooper and Hanshaw (Mr. Speaker):**

**H. B. 3294** - “A Bill to amend and reenact §11-1C-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-12-4b; to amend said code by adding thereto a new article, designated §11-12E-1, §11-12E-2, §11-12E-3, and §11-12E-4; and to amend said code by adding thereto a new section, designated §36-4-20, all relating to real property, tax, and registration requirements associated with carbon offset agreements; defining terms; providing exceptions; requiring parties to current and new carbon offset agreements to

register with the State Tax Department; requiring reports by Division of Forestry and State Tax Department; authorizing disclosure of information between the Tax Commissioner and Division of Forestry; imposing an excise tax on receipts derived from carbon offset agreements; setting forth reporting requirements; defining ‘managed timberland’ to exclude certain timberland subject to a carbon offset agreement; specifying application of West Virginia Tax Procedure and Administration Act and West Virginia Tax Crimes and Penalties Act; authorizing promulgation of rules; providing legislative findings and declarations; providing that any covenant, restriction, condition, easement, contract, lease, deed, agreement, option, or other governing document, which is executed or recorded after the effective date, which effectively prohibits or restricts the development of land and minerals or the harvesting of timber for the purposes of carbon capture, carbon offset, and carbon sequestration is void and unenforceable, unless said covenant, restriction, condition, easement, contract, lease, deed, agreement, option, or other governing document is for an initial maximum term of 20 years or less; and providing that options to renew or continue such arrangements beyond the maximum term of 20 years shall be valid only if the consideration is required to be renegotiated to exercise the option and the option is for a maximum of 20 years or less; and providing exceptions”; to the Committee on the Judiciary.

### **Special Calendar**

#### **Third Reading**

**Com. Sub. for H. B. 2004**, Prevent the use of payment card processing systems for surveillance of Second Amendment activity and discriminatory conduct; 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. 70**), 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, Ellington, Griffith, Horst and McGeehan.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2004) passed.

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

**Com. Sub. for H. B. 2007**, Prohibiting certain medical practices; on third reading, coming up in regular order, was read a third time.

Delegate Fluharty arose to a point of order regarding the remarks of Delegate Honaker not pertaining to the bill. The Speaker sustained the point of order and asked Members to confine remarks to the bill before the House.

Delegate Gearheart arose to a point of order regarding the remarks of Delegate Hornbuckle not pertaining to the bill. The Speaker sustained the point of order and asked Members to address the bill before the House.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 71**), and there were—yeas 84, nays 10, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Fluharty, Garcia, Hansen, Hornbuckle, Pushkin, Rowe, Skaff, Walker, Williams and Young.

Absent and Not Voting: Bridges, Ellington, Griffith, Hornby, Horst and McGeehan.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2007) passed.



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

**Com. Sub. for H. B. 2008**, Requiring local entities to enforce immigration laws; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

An amendment offered by Delegate Mazzocchi was reported by the Clerk.

Whereupon,

Delegate Mazzocchi asked and obtained unanimous consent that the amendment be withdrawn.

An amendment offered by Delegate Garcia was reported by the Clerk.

Whereupon,

Delegate Garcia asked and obtained unanimous consent that the amendment be withdrawn.

On motion of Delegates Capito and Mazzocchi, the bill was amended on page 6, section 7, line 1, by striking the word “shall” following the words “Attorney General” and inserting in lieu thereof the word “may”.

And,

On page 7, section 7, lines 7 through 13, by striking out subsections (b) and (c) in their entirety.

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 72**), and there were—yeas 87, nays 6, absent and not voting 7, with the yeas and the absent and not voting being as follows:

Nays: Hansen, Hornbuckle, Pushkin, Walker, Williams and Young.

Absent and Not Voting: Bridges, Ellington, Griffith, Hornby, Horst, McGeehan and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2008) passed.

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

**Com. Sub. for H. B. 2380**, Relating to School Building Authority; 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. 73**), and there were—yeas 92, nays 1, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Hanna.

Absent and Not Voting: Bridges, Ellington, Griffith, Hornby, Horst, McGeehan and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2380) passed.

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

**Com. Sub. for H. B. 2443**, Relating to service employees with National Association for Pupil Transportation Certifications; 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. 74**), and there were—yeas 79, nays 14, absent

and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Cannon, Coop-Gonzalez, Dean, Foster, Hanna, Hillenbrand, Hite, Keaton, Martin, Maynor, Steele, Summers and Tully.

Absent and Not Voting: Bridges, Ellington, Griffith, Hornby, Horst, McGeehan and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2443) passed.

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

**H. B. 2768**, To require all state entities and Chapter 30 boards to use “.gov” domains and e-mail addresses; 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. 75**), 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: Bridges, Ellington, Griffith, Hornby, Horst, McGeehan and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2768) passed.

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

**H. B. 2941**, To extend the end date of the State Advisory Council on Postsecondary Attainment Goals; 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. 76**), and there were—yeas 92, nays 1, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Steele.

Absent and Not Voting: Bridges, Ellington, Griffith, Hornby, Horst, McGeehan and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2941) passed.

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

**Com. Sub. for H. B. 3091**, Requiring counties provide fiscal information for State Auditor's WV Checkbook website; 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. 77**), 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: Bridges, Ellington, Griffith, Hornby, Horst, McGeehan and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3091) passed.

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

### Second Reading

**Com. Sub. for H. B. 2538**, Requiring usage of child welfare information technology systems; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Householder, and by unanimous consent, the bill was committed to the Committee on Finance.

**Com. Sub. for H. B. 2789**, Removing birthing centers from certificate of need; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

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

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

**H. B. 3141**, Relating to the practice of dentistry; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Summers, the bill was amended on page 4, line 84, after the word “treatment”, by striking the comma and the following, “through surgical, nonsurgical, or related procedures,”.

The bill was then 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:

**S. B. 4**, Creating Adopt-A-Trail volunteer programs for public land under DNR jurisdiction,

**Com. Sub. for H. B. 2196**, To remove opioid treatment programs from requiring a certificate of need,

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

And,

**Com. Sub. for H. B. 3055**, To create a vocational math class for students interested in careers in the trades.

### **Leaves of Absence**

At the request of Delegate Householder, and by unanimous consent, leaves of absence for the day were granted Delegates Bridges, Ellington, Griffith, Horst and McGeehan.

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

**H. B. 2137**: Delegate Hanshaw (Mr. Speaker);

**H. B. 2218**: Delegate Garcia;

**H. B. 2471**: Delegate Hillenbrand;

**H. B. 2821**: Delegate Nestor;

**H. B. 2834**: Delegate Crouse;

**H. B. 2967**: Delegate Crouse;

**H. B. 2968**: Delegate Crouse;

**H. B. 3009**: Delegate Garcia;

**H. B. 3153**: Delegates DeVault and Garcia;

**H. B. 3164**: Delegate Walker;

**H. B. 3169**: Delegate Storch;

**H. B. 3171**: Delegate Pushkin;

**H. B. 3246**: Delegate Kump;

**H. B. 3247**: Delegate Kump;

**H. B. 3252**: Delegate Kump;

**H. B. 3272**: Delegate C. Pritt;

And,

**H. R. 11:** Delegate Espinosa.

**Miscellaneous Business**

At 12:00 noon, the House of Delegates adjourned until 11:00 a.m., Monday, February 6, 2023.

---

Monday, February 6, 2023

**TWENTY-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 Friday, February 3, 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 Com. Sub. for H. B. 2832, on Second Reading, Special Calendar, had been transferred to the House Calendar.

**Committee Reports**

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

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

**H. B. 2845**, Relating to removing expired provisions from the code,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2845** - “A Bill to repeal §16-29F-1 of the Code of West Virginia, 1931, as amended, relating to repealing the



section regulating the now-expired uninsured and underinsured pilot program,”

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

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3077** - “A Bill to repeal §60A-10-16 of the Code of West Virginia, 1931, as amended, relating to eliminating the expiration date of the Multi-State Real-Time Tracking System,”

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

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3164** - “A Bill to amend and reenact §16-5CC-3 of the Code of West Virginia of 1931, as amended, relating to modifying the West Virginia Advisory Council on Rare Diseases; changing the entities to which said Council reports; changing the termination date of said Council,”

And,

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

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3191** - “A Bill to amend and reenact §16-5B-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §27-1-16 of said code; and relating to requiring licensure for certain health facilities operated by the state and defining terms,”

With the recommendation that the committee substitutes each do pass.

Delegate Worrell, Chair of the Committee on Workforce Development, submitted the following report, which was received:

Your Committee on Workforce Development has had under consideration:

**H. B. 2415**, Ban the Box Act,

And,

**H. B. 2933**, Increase in fines and criminal penalties when an employer fails to maintain employment records of an unauthorized employee,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2415 and H. B. 2933) were each referred to the Committee on the Judiciary.

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

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

**H. B. 3169**, Creating a Distribution Center Refundable Toll Payments Tax Credit Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 3169) was referred to the Committee on Finance.

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2471**, Relating to the suspension of driver's license for unpaid tickets,

And,

**H. B. 3187**, Relating to requirements imposed on social media companies to prevent corruption and provide transparency of election-related content made available on social media websites,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2471 and H. B. 3187) were each referred to the Committee on the Judiciary.

### **Messages from the Executive**

Communications from the Clerk of the Senate to His Excellency, the Governor, advised that the following bills had been presented to the Governor: S. B. 132 on February 3, 2023 and Com. Sub. for S. B. 83 and S. B. 207 on February 6, 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. 2530**, Relating to the extension of the expiration of temporary registration plates from sixty days to ninety days.

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

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

**“ARTICLE 6. LICENSING OF DEALERS AND  
WRECKERS OR DISMANTLERS; SPECIAL PLATES;  
TEMPORARY PLATES OR MARKERS.**

**§17A-6-15. Temporary registration plates or markers.**

(a) In order to permit a vehicle which is sold to a purchaser by a dealer to be operated on the streets and highways pending receipt of the annual registration plate from the division for such vehicle, the commissioner may, subject to the limitations and conditions hereinafter set forth, deliver temporary vehicle registration plates or markers to dealers who in turn may, subject to the limitations and conditions hereinafter set forth, issue the same to purchasers of vehicles, but such purchasers must comply with the pertinent provisions of this section.

(b) Application by a dealer to the commissioner for temporary registration plates or markers shall be made on the form and in the manner prescribed and furnished by the commissioner for such purpose and shall be accompanied by a fee of \$3 for each such temporary registration plate or marker. The commissioner may require the fee to be remitted to the division in an electronic format. No refund or credit of fees paid by dealers to the commissioner for temporary registration plates or markers shall be allowed, except that in the event the commissioner discontinues the issuance of such temporary plates or markers, dealers returning temporary registration plates or markers to the commissioner may petition for and be entitled to a refund or a credit thereof. No temporary registration plates or markers shall be delivered by the commissioner to any dealer in house trailers only, and no such temporary plates or markers shall be issued for or used on any house trailer for any purpose.

(c) Every dealer who has made application for and received temporary registration plates or markers shall maintain in a manner prescribed by the commissioner, a record of all temporary registration plates or markers issued by him or her, and a record of any other information pertaining to the receipt or the issuance of temporary registration plates or markers which the commissioner may require. Every dealer who issues a temporary registration plate

or marker shall notify the division in the manner prescribed by the commissioner. No temporary registration plates or markers may be delivered to any dealer until such dealer has fully accounted to the commissioner for the temporary registration plates or markers last delivered to such dealer, by showing the number issued to purchasers by such dealer and any on hand.

(d) A dealer may not issue, assign, transfer or deliver a temporary registration plate or marker to anyone other than the bona fide purchaser of the vehicle to be registered; nor may a dealer issue a temporary registration plate or marker to anyone ~~possessed of~~ possessing an annual registration plate for a vehicle which has been sold or exchanged, except a dealer may issue a temporary registration plate or marker to the bona fide purchaser of a vehicle to be registered who possesses an annual registration plate of a different class and makes application to the division to exchange such annual registration plate of a different class in accordance with the provisions of §17A-4-1 of this code; nor may a dealer lend to anyone, or use on any vehicle which he or she may own, a temporary registration plate or marker. It is unlawful for any dealer to issue any temporary registration plate or marker knowingly containing any misstatement of fact, or knowingly to insert any false information upon the face thereof.

(e) Every dealer who issues temporary registration plates or markers shall affix or insert clearly and indelibly on the face of each temporary registration plate or marker in the manner prescribed by the commissioner, the date of issuance and expiration thereof, and the make and motor or serial number of the vehicle for which issued.

(f) If the commissioner finds that the provisions of this section or his or her directions are not being complied with by a dealer, he or she may suspend the right of such dealer to issue temporary registration plates or markers.

(g) Every person to whom a temporary registration plate or marker has been issued shall permanently destroy such temporary registration plate or marker immediately upon receiving the annual registration plate for such vehicle from the division: *Provided, That*

if the annual registration plate is not received within ~~sixty~~ 90 days of the issuance of the temporary registration plate or marker, the owner shall, notwithstanding the fact that the annual registration plate has not been received, immediately and permanently destroy the temporary registration plate or marker: *Provided, however,* That not more than one temporary registration plate or marker shall be issued to the same bona fide purchaser for the same vehicle.

(h) A temporary registration plate or marker shall expire and become void upon the receipt of the annual registration plate from the division or upon the rescission of the contract to purchase the vehicle in question, or upon the expiration of ~~sixty~~ 90 days from the date of issuance, depending upon whichever event shall first occur.

(i) For the purpose of this section, the term "dealer" includes a wrecker/dismantler/rebuilder and, in the context of issuing temporary registration plates, any other business licensed by the division in accordance with the provisions of this chapter and authorized to issue temporary registration plates or markers.

(j) The commissioner may require participation in an electronic temporary plate issuance system by all dealers as a precondition for authority for a dealer to issue temporary license plates or markers.

## **ARTICLE 6B. LICENSE SERVICES.**

### **§17A-6B-10. Temporary registration plates or markers.**

(a) In order to permit a vehicle which is to be titled and registered to be operated on the streets and highways pending receipt of the annual registration plate from the division for such vehicle, the commissioner may, subject to the limitations and conditions hereinafter set forth, deliver temporary vehicle registration plates or markers to persons engaged in license service businesses who in turn may, subject to the limitations and conditions hereinafter set forth, issue the same to applicants for title and registration of vehicles, but such applicants must comply with the pertinent provisions of this section.

(b) Application by a license service business to the commissioner for such temporary registration plates or markers shall be made on the form prescribed and furnished by the commissioner for such purpose and shall be accompanied by a fee of \$3 for each such temporary registration plate or marker. No refund or credit of fees paid by license services to the commissioner for temporary registration plates or markers shall be allowed, except that in the event the commissioner discontinues the issuance of such temporary plates or markers, license services returning temporary registration plates or markers to the commissioner may petition for and be entitled to a refund or a credit thereof.

(c) Every license service who has made application for and received temporary registration plates or markers shall maintain in permanent form a record of all temporary registration plates or markers delivered to the licensee, a record of all temporary registration plates or markers issued, and a record of any other information pertaining to the receipt or the issuance of temporary registration plates or markers which the commissioner may require. Each such record shall be kept for a period of at least three years from the date of the making thereof.

Every licensee who issues a temporary registration plate or marker shall, within five working days after the issuance of such plate or marker, send to the division a copy of the temporary registration plate or marker certificate properly executed by the license service and the purchaser.

No temporary registration plates or markers may be delivered to any license service until such license service has fully accounted to the commissioner for the temporary registration plates or markers last delivered to such license service, by showing the number issued to purchasers by such license service and any on hand.

(d) A license service shall not issue, assign, or deliver a temporary registration plate or marker to anyone other than the bona fide applicant for title and registration of the vehicle to be registered. Not more than one temporary registration plate or

marker shall be issued to the same bona fide applicant for the same vehicle. A license service shall not issue a temporary registration plate or marker to anyone ~~possessed of~~ possessing an annual registration plate for a vehicle which has been sold or exchanged, except a license service may issue a temporary registration plate or marker to the bona fide applicant of a vehicle to be registered who possesses an annual registration plate of a different class and makes application to the division to exchange such annual registration plate of a different class in accordance with the provisions of §17A-4-1 of this code. A license service shall not lend to anyone, or use on any vehicle which he or she may own, a temporary registration plate or marker.

It is unlawful for any license service to issue any temporary registration plate or marker which contains a misstatement of fact or false information.

No license service shall issue, assign, or deliver a temporary registration plate or marker to anyone unless and until the license service has physical possession of the application and appropriate fees and taxes of the vehicle to be titled and registered. Such application, fees, and taxes shall be postmarked to the issuing agency or submitted to the Division of Motor Vehicles within 48 hours after issuance of the temporary plate or marker.

(e) Every license service who issues temporary registration plates or markers shall affix or insert clearly and indelibly on the face of each temporary registration plate or marker the date of issuance and expiration thereof, and the make, model, and serial number of the vehicle for which issued.

(f) If the commissioner finds that the provisions of this section or his or her directions are not being complied with by a license service, he or she may suspend the right of such license service to issue temporary registration plates or markers.

(g) A temporary registration plate or marker shall expire upon the receipt of the annual registration plate from the division, or upon the rescission of the contract to purchase the vehicle in



question, or upon the expiration of ~~sixty~~ 90 days from the date of issuance, depending upon which event occurs first.

(h) A license service may charge a fee not to exceed \$5 for issuing a temporary registration plate or marker.

## **ARTICLE 6C. AUTOMOBILE AUCTION BUSINESSES.**

### **§17A-6C-11. Temporary registration plates or markers.**

(a) In order to permit a vehicle which is to be titled and registered to be operated on the streets and highways pending receipt of the annual registration plate, the commissioner may, subject to the following limitations, deliver temporary vehicle registration plates or markers to persons engaged in the automobile auction business for issuance to applicants for title and registration of vehicles.

(b) An application by an automobile auction business to the commissioner for temporary registration plates or markers shall be made on the form prescribed and furnished by the commissioner and shall be accompanied by a fee of \$3 for each temporary registration plate or marker. No refund or credit of fees paid by automobile auction businesses to the commissioner for temporary registration plates or markers is allowed, except in the event the commissioner discontinues the issuance of temporary plates or markers. Automobile auction businesses returning temporary registration plates or markers to the commissioner may petition for and be entitled to a refund or a credit.

(c) Every automobile auction business applying for and receiving temporary registration plates or markers shall maintain in permanent form a record of all temporary registration plates or markers delivered to the licensee, a record of all temporary registration plates or markers issued and a record of any other information pertaining to the receipt or the issuance of temporary registration plates or markers which the commissioner may require. Each record shall be kept for a period of at least three years from the date issued. Every automobile auction business issuing a temporary registration plate or marker shall send to the division a

copy of the temporary registration plate or marker certificate properly executed by the automobile auction business and the purchaser within five working days after the issuance of the plate or marker. No temporary registration plates or markers may be delivered to any automobile auction business until the business has fully accounted to the commissioner for the temporary registration plates or markers last delivered by showing the number issued to purchasers and the number remaining to be issued.

(d) An automobile auction business may not issue, assign, or deliver a temporary registration plate or marker to anyone other than the bona fide applicant for title and registration of the vehicle to be registered. Not more than one temporary registration plate or marker may be issued to the same bona fide applicant for the same vehicle. An automobile auction business may not issue a temporary registration or marker to anyone possessing an annual registration plate for a vehicle which has been sold or exchanged, except an automobile auction business may issue a temporary registration plate or marker to the bona fide applicant who possesses an annual registration plate of a different class and it may make application to the division to exchange the annual registration plate of a different class in accordance with the provisions of §17A-4-1 of this code. An automobile auction business may not lend to anyone or use on any vehicle which it may own, a temporary registration plate or marker. It is unlawful for any automobile auction business to issue any temporary registration plate or marker which contains a misstatement of fact or false information.

(e) Every automobile auction business issuing temporary registration plates or markers shall affix or insert clearly and indelibly on the face of each temporary registration plate or marker the date of issuance, the date of expiration and the make, model, and serial number of the vehicle.

(f) If the commissioner finds that the provisions of this section or his or her directions are not being complied with by an automobile auction business, the commissioner may suspend the right of the automobile auction business to issue temporary registration plates or markers.

(g) A temporary registration plate or marker expires upon the receipt of the annual registration plate from the division, or upon the rescission of the contract to purchase the vehicle in question, or upon the expiration of ~~sixty~~ 90 days from the date of issuance, whichever event occurs first.”

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. 78**), 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, Ellington, Hornbuckle, Martin, Smith and Steele.

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. 2530) passed.

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

A message from the Senate, by

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

**H. B. 2533**, Relating to a permanent windshield placard to be valid for the duration of the applicant’s life.

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

On page 3, section 6, line 64, after the word “height” by inserting the words “for a temporary placard”;

On page 5, section 6, line 118, after the word “apply” by inserting the word “for”;

And,

On page 6, section 6, lines 123 and 124, by striking out the words “and permanent removable windshield placards”.

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. 79**), 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, Ellington, Hornbuckle, Martin, Smith 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. 2533) 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, a bill of the House of Delegates, as follows:

**H. B. 2564**, Repeal of administrative hearing procedures for DUI offenses.

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. 2776**, Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act.

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. 2777**, Updating federal taxable income and other terms in the West Virginia Corporation Net Income Tax Act.

A message from the Senate, by

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

**Com. Sub. for S. B. 205** – “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto eight new sections, designated as §17A-3-14a, §17A-3-14b, §17A-3-14c, §17A-3-14d, §17A-3-14e, §17A-3-14f, §17A-3-14g, and §17A-3-14h, all relating to registration plates; authorizing special registration plates; establishing fees; authorizing the suspension of registration of any owner who displays a damaged or illegible plate or otherwise fails to comply with legal requirements; voiding license plates issued or renewed and paid for by worthless check; authorizing Division of Motor Vehicles to accept or authorize electronic signatures; and authorizing issuance of special registration plates as authorized by joint resolution of the Legislature or upon direct request to the Division of Motor Vehicles”; which was referred to the Committee on Technology and Infrastructure.

A message from the Senate, by

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

**S. B. 275** – “A Bill to amend and reenact §18-9F-10 of the Code of West Virginia, 1931, as amended, relating to adding State Fire Marshals to the statute to be included with law enforcement along with local law enforcement and first responders that receive information related to school safety requirements”; which was referred to the Committee on Fire Departments and Emergency Medical Services then Education.

A message from the Senate, by

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

**Com. Sub. for S. B. 294** – “A Bill to amend and reenact §7-14-17c of the Code of West Virginia, 1931, as amended, relating to clarifying the amount of a deputy sheriff’s annual monetary payment for years of service; setting date for calculation and payment of supplement; providing for eligibility requirement for monetary supplement; and establishing that supplement is to be considered in calculating deputy sheriff’s benefits”; which was referred to the Committee on Finance.

A message from the Senate, by

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

**Com. Sub. for S. B. 345** – “A Bill to amend and reenact §64-7-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Revenue to promulgate legislative rules; authorizing the rules as filed, as modified, and as modified and amended by the Legislative Rule-Making Review Committee, and as amended by the Legislature; relating to authorizing the Division of Financial Institutions to promulgate a legislative rule relating to money transmission services; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to suitability in annuity transactions; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to pharmacy auditing entities and pharmacy benefit managers; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to bail bondsmen in criminal cases; relating to authorizing the Lottery Commission to promulgate a legislative rule relating to West Virginia Lottery sports wagering; relating to authorizing the Tax Commissioner to promulgate a legislative rule relating to the valuation of producing and reserve oil, natural gas liquids, and natural gas for ad valorem property tax purposes; relating to authorizing the Tax Commissioner to

promulgate a legislative rule relating to West Virginia Film Industry Investment Act; relating to authorizing the Tax Commissioner to promulgate a legislative rule relating to the Farm-to-Food Bank tax credit; relating to authorizing the Tax Commissioner to promulgate a legislative rule relating to property transfer tax; relating to authorizing the Tax Commissioner to promulgate a legislative rule relating to municipal sales and use tax administration; and relating to authorizing the Tax Commissioner to promulgate a legislative rule relating to a personnel rule for the Tax Division”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**S. B. 457** – “A Bill to amend and reenact §60-7-12 of the Code of West Virginia, 1931, as amended, relating to removing gambling and use of gaming devices from definition of activities Alcohol Beverage Control Commission licensee is prohibited to permit on licensee’s private club premises”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 461** – “A Bill to amend and reenact §6C-2-1, §6C-2-2, §6C-2-3, §6C-2-4, and §6C-2-6 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Public Employees Grievance Procedure; defining terms; clarifying actions by an agency taken during a declared state of preparedness or emergency or any matter relating to protected classes are not subject to grievances; providing that Division of Personnel may not be a party in certain circumstances; requiring a notarized grievance form and providing for multiple grievant parties; providing a grievance must be filed within the time limits specified or it may be dismissed; extending certain time limits; providing for

grievance dismissal for untimeliness, lack of jurisdiction, or failure to state a claim and appeals of such dismissal; updating default process to include employer; providing the grievance evaluator and the administrative law judge may not hold a motion to dismiss in abeyance while other proceedings take place; clarifying that grievances may be consolidated as long as the initial grievance has not been dismissed; providing that proceedings may be rescheduled for good cause shown; requiring grievant representatives provide the names and work location of employees being represented; requiring that employees provide the name and contact information of his or her representative; directing Grievance Board to make available certain forms; providing that employee annual leave will be charged for work hours used in preparing for and attending the grievance hearing in excess of certain limits; providing for the chief administrator's resolution of certain disputes and further providing for discretionary recording of conference; limiting annual number of grievances an employee may serve as a representative; providing for conference recordings; requiring grievance to be held in abeyance under certain circumstances; clarifying employee representation is limited by work requirements; requiring grievant to provide copies of grievance in certain cases; updating appellate procedure from level three decision; and providing for award of costs and attorney fees"; which was referred to the Committee on the Judiciary.

### **Resolutions Introduced**

The following resolutions were introduced and severally referred as follows:

#### **By Delegate Dillon:**

**H. C. R. 17** – "Requesting the Division of Highways name a portion of County Route 35/14 'Perry Ridge Rd', near Dunlow, in Wayne County, from Lat/Long: 37.996071, -82.337624, to Lat/Long: 37.963447, -82.337624, the 'CSA Army PVT Nathaniel Perry Memorial Trail'; to the Committee on Technology and Infrastructure then Rules.

And,



**By Delegate Dillon:**

**H. C. R. 18** – “Requesting the Division of Highways name bridge number 11-31-8, carrying Twelve Pole Creek Road/Old NW Railroad Bed Road 3/05 over West Fork Twelve Pole Creek west of Big Sang Kill Road in Mingo County, the ‘Ira “Noon” Copley and Marie Copley Memorial Bridge””; to the Committee on Technology and Infrastructure then Rules.

**Bills Introduced**

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

**By Delegate Criss:**

**H. B. 3295** - “A Bill to amend and reenact §5A-3-4 and §5A-3-12 of the Code of West Virginia, 1931, as amended, all relating to terminating the authority of the Director of the Purchasing Division to impose a certain annual fee upon vendors”; to the Committee on Government Organization then Finance.

**By Delegate Young:**

**H. B. 3296** - “A Bill to amend and reenact §18-5D-3 of the Code of West Virginia, 1931, as amended, relating to statewide expansion of Healthy School Meals for All through maximizing participation in the Community Eligibility Provision (CEP) or other universal meal options by requiring all schools that qualify for CEP to apply for this funding”; to the Committee on Education then Finance.

**By Delegate Young:**

**H. B. 3297** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-20, relating to providing that patients undergoing medical procedures may refuse to have such procedures observed by residents and medical students at the hospital”; to the Committee on Health and Human Resources.

**By Delegate Young:**

**H. B. 3298** - “A Bill to amend and reenact §61-6-21 of the Code of West Virginia, 1931, as amended, relating to prohibiting

civil rights violations based on disability, gender identity or sexual orientation; criminal penalties; when evidence of constitutionally protected speech or associations is not admissible in criminal prosecutions; exceptions; providing for sentencing alternatives for persons convicted of violations; and designating amendments to this section as ‘Angel’s Law’; to the Committee on Jails and Prisons then the Judiciary.

**By Delegates Storch, C. Pritt, Anderson, Kump, Marple, E. Pritt and Hornbuckle:**

**H. B. 3299** - “A Bill to amend and reenact §20-18-5, and §20-18-6 of the Code of West Virginia, 1931, as amended; all relating to Natural Resource Police Officer Retirement; providing for supplemental funding of the West Virginia Natural Police Officer Retirement System; and providing for additional recruitment and retention opportunities of Natural Resources Police Officers”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Toney, Howell and Clark:**

**H. B. 3300** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, §11-13MM-3, and §11-13MM-4, all relating to the creation of the ‘EV Manufacturers Investment Credit’; providing for definitions; establishing tier 1 eligibility, credits, and exemptions; establishing tier 2 eligibility, credits, and exemptions; providing for the forfeiture of unused tax credits; and providing for the redetermination of credit allowed”; to the Committee on Economic Development and Tourism then Finance.

**By Delegates Storch, Barnhart, Willis, Criss, Capito, Hott, Hardy, Brooks, Westfall, Toney and Martin:**

**H. B. 3301** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-18F-1, §31-18F-2, §31-18F-3, §31-18F-4, §31-18F-5, §31-18F-6, §31-18F-7, §31-18F-8, §31-18F-9, and §31-18F-10, all relating to creating the ‘First Time Home Buyer Savings Account Act’; providing for definitions; creating a first time home buyer savings account; providing for subtractions from federal adjusted gross income; providing limits applicable to subtraction from federal adjusted gross income; penalties for withdrawal of funds; requiring

financial institution to provide account holder information certificate; requiring Tax Commissioner to propose rules to implement this article; and stating years to which this article applies”; to the Committee on Finance.

**By Delegate Westfall:**

**H. B. 3302** - “A Bill to amend and reenact §17C-5-2 of the Code of West Virginia, 1931, as amended, and to amend and reenact §61-2-30 of said code; all relating to recognizing an embryo or fetus as a distinct unborn victim for the offense of DUI causing death”; to the Committee on the Judiciary.

**By Delegates Reynolds, Bridges, Sheedy, Crouse, Hott, Zatezalo, Willis, Phillips, Ward and Brooks:**

**H. B. 3303** - “A Bill to amend and reenact §5B-2A-5 of the Code of West Virginia, 1931, as amended, relating to clarifying and expanding the powers and duties of the director of the Coalfield Community Development Office”; to the Committee on Government Organization then Finance.

**By Delegates Reynolds, Bridges, Sheedy, Crouse, Hott, Zatezalo, Willis, Phillips, Brooks and Ward:**

**H. B. 3304** - “A Bill to amend and reenact §11-13A-3 of the Code of West Virginia, 1931, as amended, relating to providing an exemption from the state severance tax for coal sold to coal-fired power plants located within the state of West Virginia”; to the Committee on Energy and Manufacturing then Finance.

**By Delegate Capito:**

**H. B. 3305** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-11-1, §5B-11-2, §5B-11-3, §5B-11-4, §5B-11-5, and §5B-11-6; and to amend said Code, by adding thereto a new section, designated §11-21-4g; and to amend and reenact §11-24-4 of said code; all relating to creating the Small Business and Entrepreneurship Act; requiring annual reports from the Secretary of Administration; requiring a report from the Secretary of Administration and the Office of Entrepreneurship; defining terms; creating the Office of Entrepreneurship; requiring state contract awards to new businesses under certain conditions; requiring tracking of

workforce development funding; requiring funding allocations to new business development; waiving certain fees for new business; creating special tax rates on new business income; and creating special tax rates on certain new corporation income”; to the Committee on Economic Development and Tourism then Finance.

**By Delegates Summers and Tully:**

**H. B. 3306** – “A Bill to amend and reenact §16-5T-2 of the Code of West Virginia, 1931, as amended, relating to the organizational structure of the Office of Drug Control Policy; providing for the appointing of the director; and requiring the creation of a task force”; to the Committee on Health and Human Resources.

**H. B. 3294**, Ensuring future economic development with limitations, excise tax, and registration requirements of carbon offset agreements; referred to the Committee on the Judiciary on February 3, 2023, was, in the absence of objection, reassigned to the Committee on Energy and Manufacturing then Finance.

### **Special Calendar**

#### **Third Reading**

**Com. Sub. for H. B. 2789**, Removing birthing centers from certificate 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.

**H. B. 3141**, Relating to the practice of dentistry; 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. 80**), and there were—yeas 89, nays 6, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Dillon, Holstein, Kirby, Mazzocchi, Vance and Walker.

Absent and Not Voting: Ellington, Hornbuckle, Martin, Smith and Steele.

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

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

### **Second Reading**

**S. B. 4**, Creating Adopt-A-Trail volunteer programs for public land under DNR jurisdiction; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for H. B. 2196**, To remove opioid treatment programs from requiring a certificate of need; on second reading, coming up in regular order, was reported by the Clerk.

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

**H. B. 2611**, To remove certain territorial limitations on a banking institution's ability to offer messenger services or mobile banking facilities; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3055**, To create a vocational math class for students interested in careers in the trades; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

### **First Reading**

The following bill on first reading, coming up in regular order, was read a first time and ordered to second reading:

**S. B. 241**, Relating to Patient Brokering Act.

### **Leaves of Absence**

At the request of Delegate Householder, and by unanimous consent, leaves of absence for the day were granted Delegates Ellington, Hornbuckle, Martin, Smith and Steele.

### **Miscellaneous Business**

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

**H. B. 2415:** Delegate Young;

**H. B. 3258:** Delegate Kump;

And,

**H. B. 3302:** Delegate Burkhammer.

At 11:26 a.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 7, 2023.

---

Tuesday, February 7, 2023

**TWENTY-EIGHTH DAY**

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

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

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

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

**Reordering of the Calendar**

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

**Committee Reports**

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

Your Committee on Finance has had under consideration:

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

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

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

Your Committee on Finance has had under consideration:

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

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

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

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

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

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

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

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

And,

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

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

In accordance with the former direction of the Speaker, the bills (H. B. 2676, H. B. 2677, H. B. 2678, H. B. 2680, H. B. 2681, H. B.



2683, H. B. 2684, H. B. 2685 and H. B. 2686) were each referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration:

**H. B. 2002**, Relating to providing support for families,

And reports back a committee substitute therefor, as follows:

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

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

And reports back a committee substitute therefor, as follows:

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

And,

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

And reports back a committee substitute therefor, as follows:

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

With the recommendation that the committee substitutes each do pass.

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

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

Your Committee on Finance has had under consideration:

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

And,

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

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

In accordance with the former direction of the Speaker, the bills (H. B. 2682 and H. B. 2740) were each referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

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

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

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

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

Your Committee on Government Organization has had under consideration:

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

And reports back a committee substitute therefor, as follows:

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

And,

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

And reports back a committee substitute therefor, as follows:

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

With the recommendation that the committee substitutes each do pass.

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

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

Your Committee on the Judiciary has had under consideration:

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

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

And,

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

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

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

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2218**, Distracted Driving Act,

And reports back a committee substitute therefor, as follows:

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

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

And reports back a committee substitute therefor, as follows:

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

And,

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

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3145** - “A Bill to amend and reenact §29-1A-2 of the Code of West Virginia, 1931, as amended, relating to requesting the Supreme Court of Appeals adopt a rule providing the Commission on Uniform State Laws shall be deemed a presumptive provider of continuing education and session attendance at its annual meeting shall be deemed continuing education credit for commissioners,”

With the recommendation that the committee substitutes each do pass.

### **Messages from the Executive**

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

### **Messages from the Senate**

A message from the Senate, by

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

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

A message from the Senate, by

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

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

A message from the Senate, by

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

**Com. Sub. for S. B. 232** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §27-6A-12, relating to creating a multi-disciplinary study group to make recommendations regarding the diversion of persons with mental illness, developmental disabilities, substance

abuse problems, and other disabilities from the criminal justice system; setting forth findings; listing the membership makeup of the study group; promoting appropriate interventions and placements for inmates and persons with disabilities; developing a plan to coordinate care, treatment, and placement for persons with disabilities in the criminal justice system and in the community; directing a report be made to Legislature on or before November 30, 2023; authorizing per diem expenses for nongovernmental members”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

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

### **Resolutions Introduced**

The following resolutions were introduced and severally referred as follows:

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

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

And,



**By Delegates Young and Walker:**

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

**Bills Introduced**

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

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

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

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

**H. B. 3308** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-4h, relating to authorizing the Public Service Commission of West Virginia to consider and authorize the recovery of certain costs by certain utilities through the issuance of consumer rate relief bonds; providing legislative findings; providing definitions; providing application process for financing order authorizing the recovery of certain costs; requiring certain information in application for financing order; providing for issuance of financing order and information contained therein; allowing for disposition of

consumer rate relief property; providing for the effect and term of financing order; providing for subsequent Public Service Commission proceedings and limits on commission authority; providing for duties of certain utilities; providing for application of adjustment mechanism and filing of schedules with commission; providing for nonbypassability of consumer rate relief changes; providing consequences and procedures for utility default; providing for requirements and obligations of successors to certain utilities; providing for security interest in consumer rate relief property and transfer and sale of same; providing for limitation on taxation of consumer rate relief charges and exemption thereto; providing that consumer rate relief bonds are not debt of governmental entities or a pledge of taxing power; providing utility consumer rate relief bonds as legal investment; providing for certain pledge of state; providing for governing law; providing for severability and non-utility status; requiring that utilities must obtain consent and approval from the Public Service Commission prior to retiring, abandoning, closing, or otherwise permanently rendering incapable of operating certain plants or units, and providing for continued viability of certain bonds”; to the Committee on Finance.

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

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

**By Delegates Fluharty, Riley, Cannon and Hornbuckle:**

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

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

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

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

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

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

**H. B. 3313** - “A Bill to amend and reenact §7-1-3ff and §7-1-3kk of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §7-1-3zz; to amend and reenact §7-1-14 of said code; and to amend and reenact §19-19-2 of said code, all relating generally to clarifying the limit of authority of county commissions as it relates to regulation of agricultural production operations”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Statler and Toney:**

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

**By Delegates Cooper and Heckert:**

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

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

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

**By Delegates Summers and Tully:**

**H. B. 3317** - “A Bill to amend and reenact §30-1-7a of the Code of West Virginia, 1931, as amended, relating to removing specific continuing education requirements”; to the Committee on Health and Human Resources.

**By Delegate McGeehan:**

**H. B. 3318** - “A Bill to amend and reenact §5B-2B-4 of the Code of West Virginia, 1931, as amended, relating to location of services provided by the Workforce Development Board as related to the one-stop delivery system”; to the Committee on Government Organization.

**By Delegate Burkhammer:**

**H. B. 3319** - “A Bill to amend and reenact §11A-1-17 of the Code of West Virginia, 1931, as amended, relating to sheriff’s commission for collection of taxes”; to the Committee on Political Subdivisions then Finance.

**By Delegates E. Pritt, Hansen, Garcia, Williams, Griffith, Fluharty, Skaff, Rowe, Walker, Pushkin and Young:**

**H. B. 3320** - “A Bill to amend and reenact §62-12-9 of the Code of West Virginia, 1931, as amended relating to requiring that the Division of Corrections provide each probationer with physical copies of their birth certificate and Social Security Administration card upon release from a facility”; to the Committee on Jails and Prisons then Finance.

**By Delegates Howell, Thorne, Storch, Ferrell, Heckert, Clark, Chiarelli, Holstein, Keaton, Toney and Horst:**

**H. B. 3321** - “A Bill to amend and reenact §8-13-5 of the Code of West Virginia, 1931, as amended relating to limiting the imposition of municipal business and occupation taxes”; to the Committee on Finance.

**By Delegates Howell, Clark, Zatezalo, Storch, Ferrell, Chiarelli, Holstein, Cannon, Hanna, Keaton and Toney:**

**H. B. 3322** - “A Bill to amend and reenact §11-13A-6a of the Code of West Virginia, 1931, as amended, relating to providing that the first \$100,000 of income filed jointly, or the first \$50,000 filed individually, is exempt from the tax on social security”; to the Committee on Finance.

**By Delegate E. Pritt:**

**H. B. 3323** - “A Bill to amend and reenact §17B-2-1 of the Code of West Virginia, 1931, as amended, relating to providing a means by which applicants for driver’s licenses or identification certificates who do not have permanent addresses may obtain a driver’s license or identification certificate; provide for auditing of the addresses permitted by the Department of Motor Vehicles; listing cancellation standards; and providing a fee waiver for those applicants with no permanent address”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Kirby, Foster and Foggin:**

**H. B. 3324** - “A Bill to amend and reenact §11-14C-5 of the Code of West Virginia, 1931, as amended, relating to reducing the state gasoline tax”; to the Committee on Technology and Infrastructure then Finance.

**By Delegates Kirby, Foggin, Crouse, Steele, Chiarelli and Foster:**

**H. B. 3325** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-5-37, relating to requiring pharmacists to dispense medication from an authorized prescriber except when pharmacist has good faith belief prescription is fraudulent or prohibited by law”; to the Committee on Health and Human Resources.

**By Delegates Linville and Summers:**

**H. B. 3326** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-11-1, §9-11-2, §9-11-3, §9-11-4, and §9-11-5, all relating to creating a Privacy of Social Care Information Act; providing a statement of legislative intent; setting forth definitions; clarifying applicability; providing for use of data; and describing article's relation to other privacy laws”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate Foster:**

**H. B. 3327** - “A Bill to amend and reenact §8-13-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-13-32, all relating to setting a limit on the amount of fees that may be collected by third party vendors or contractors who collect business and occupation taxes on behalf of a city or municipality”; to the Committee on Finance.

**By Delegates Howell, Dean, Heckert and Zatezalo:**

**H. B. 3328** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-14-13, relating to allowing the Hatfield-McCoy Regional Recreation Authority to contract to build and maintain trails on private property with the consent of the property owner”; to the Committee on Economic Development and Tourism.

**Special Calendar****Third Reading**

**S. B. 4**, Creating Adopt-A-Trail volunteer programs for public land under DNR jurisdiction; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 81**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Smith.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 4) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

**H. B. 2611**, To remove certain territorial limitations on a banking institution's ability to offer messenger services or mobile banking facilities; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 82**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Smith and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2611) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 2789**, Removing birthing centers from certificate of need; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 83**), and there were—yeas 73, nays 26, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Cannon, Capito, Chiarelli, Criss, Ferrell, Hanna, Hansen, Holstein, Hornbuckle, Hornby, Hott, Keaton, Kirby, Martin, Maynor, Nestor, Reynolds, Rowe, Sheedy, Steele, Storch, Vance, Walker, Ward, Westfall and Willis.

Absent and Not Voting: Smith.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2789) passed.

Delegate Kimble moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 84**), and there were—yeas 84, nays 14, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Chiarelli, Ferrell, Hanna, Hansen, Hott, Kirby, Martin, Nestor, Rowe, Steele, Vance, Walker, Ward and Westfall.

Absent and Not Voting: Cooper and Smith.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2789) takes effect from its passage.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3055**, To create a vocational math class for students interested in careers in the trades.; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 85**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Smith and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3055) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.



### Second Reading

**S. B. 241**, Relating to Patient Brokering Act; on second reading, coming up in regular order, was read a second time.

An amendment was recommended by the Committee on Health and Human Resources, and adopted, on page 2, line 27, by striking subsection (c) in its entirety and inserting a new subsection (c) to read as follows:

“(c) The Office of the Inspector General shall develop a tool that facilitates the submission of complaints. The Office of the Inspector General shall investigate complaints and enforce the provisions of this article.”

The bill was then ordered to third reading.

### First Reading

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

**Com. Sub. for H. B. 2845**, Relating to removing expired provisions from the code,

**Com. Sub. for H. B. 3077**, Relating to making the use of the multi-state real time tracking system permanent,

**Com. Sub. for H. B. 3164**, To extend the termination date of the West Virginia Advisory Council on Rare Diseases due to a delay in beginning its duties,

And,

**Com. Sub. for H. B. 3191**, Relating to certain facilities operated by the state government to obtain a license.

### Leaves of Absence

At the request of Delegate Kimble, and by unanimous consent, leave of absence for the day was granted Delegate Smith.

**Miscellaneous Business**

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

**H. B. 2218:** Delegates Fast, Fluharty, Kelly, Kump and Warner;

**H. B. 2566:** Delegate Riley;

**H. B. 2839:** Delegate Riley;

**H. B. 2861:** Delegate Riley;

**H. B. 3018:** Delegates Chiarelli and Crouse;

**H. B. 3075:** Delegate Riley;

**H. B. 3153:** Delegates Dean, Ferrell, Reynolds and Sheedy;

**H. B. 3226:** Delegate E. Pritt;

**H. B. 3272:** Delegates Espinosa and Riley;

**H. B. 3284:** Delegate Riley;

And,

**H. B. 3309,** Delegate Pushkin.

At 12:47 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, February 8, 2023.

---

Wednesday, February 8, 2023

**TWENTY-NINTH 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, February 7, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

Delegate Anderson, Chair of the Committee on Energy and Manufacturing, submitted the following report, which was received:

Your Committee on Energy and Manufacturing has had under consideration:

**H. B. 3294**, Ensuring future economic development with limitations, excise tax, and registration requirements of carbon offset agreements,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 3294) was referred to the Committee on Finance.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2822**, Relating to the consumers sales and service tax and returning the refundable exemption for sales of construction and maintenance materials acquired by a second party for use in Division of Highways projects,

And,

**H. B. 3165**, Relating to vehicles exempt from payment of registration fees for certain veterans,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bills (H. B. 2822 and H. B. 3165) were each referred to the Committee on Finance.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2955**, Relating to the establishment and operation of regional water, wastewater and stormwater authorities,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 2955) was referred to the Committee on Government Organization.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2899**, To repeal two sections of code that was only in effect for a 12 month period during 1983,

And reports the same back with the recommendation that it do pass.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 3268**, Add protections for WV residents who reside out of state for certain time periods from non-renewal of licenses and registration,

And reports the same back with the recommendation that it do pass.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 3111**, Creating Infrastructure Ready Jurisdictions,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3111** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2N-1 §5B-2N-2, and §5B-2N-3, relating to establishing Infrastructure Ready Jurisdictions; establishing the requirement for this designation; establishing rulemaking for these Infrastructure Ready Jurisdictions for the Department of Economic Development; awarding an additional five percent preferential scoring for entities on projects within these jurisdictions on all permissible grants; and providing that this is not available within

an uncertified municipality even if the surrounding county or counties are certified,"

With the recommendation that the committee substitute do pass.

Delegate Barnhart, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

**S. B. 146**, Modifying regulations of peer-to-peer car sharing program,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (S. B. 146) was referred to the Committee on the Judiciary.

Delegate Nestor, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. J. R. 20**, Right to Farm and Ranch Amendment,

And reports the same back, with amendment, with the recommendation that it be adopted, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. J. R. 20) was referred to the Committee on the Judiciary.

Delegate Nestor, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 3122**, Permitting certain types of rifles using an encapsulated propellant charge that loads from the breech,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 3122) was referred to the Committee on the Judiciary.

Delegate Barnhart, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

**H. B. 3272**, Relating to the operation of private trust companies in West Virginia,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 3272) was referred to the Committee on the Judiciary.

Delegate Storch, Chair of the Committee on Pensions and Retirement, submitted the following report, which was received:

Your Committee on Pensions and Retirement has had under consideration:

**H. B. 2283**, Relating to authorized expenditures of revenues from certain state funds for fire departments,

**H. B. 2292**, Continuing personal income tax adjustment to gross income of certain retirees receiving pensions from defined pension plans,

**H. B. 2900**, Relating to the Deputy Sheriff Retirement System,

And,

**H. B. 3148**, Relating to financing municipal policemen's and firemen's pension and relief funds,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bills (H. B. 2283, H. B. 2292, H. B. 2900 and H. B. 3148) were each referred to the Committee on Finance.

Delegate Summers, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 3092**, Relating to in-state food service permit reciprocity,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Government Organization.

Pursuant to House Rule 80, the Speaker referred the bill (H. B. 3092) to the Committee on Government Organization.

Delegate Summers, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 3199**, Relating to removing the requirement that an ectopic pregnancy be reported,

And reports the same back with the recommendation that it do pass.



Delegate Summers, Chair of the Committee on Health and Human Resources submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 3278**, Relating to the practice of optometry,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3278** - "A Bill to amend and reenact §30-8-3, §30-8-6 and §30-8-9 of the Code of West Virginia, 1931, as amended, all relating to the practice of optometry; defining terms; removing obsolete areas of the code; and permitting a licensee to perform certain procedures trained by an approved by an accredited body,"

With the recommendation that the committee substitute do pass, but that it first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bill (Com. Sub. for H. B. 3278) was referred to the Committee on Government Organization.

Delegate Summers, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 2075**, To provide a means to classify when medications should be continued or stopped for patients,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2075** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-5-7, relating to requiring medication status information be provided to a patient's pharmacy when updating

prescriptions or changing medications; and authorizing the Board of Pharmacy to propose a legislative rule,"

And,

**H. B. 3306**, Relating to the organizational structure of the Office of Drug Control Policy,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3306** - "A Bill to amend and reenact §16-5T-2 of the Code of West Virginia, 1931, as amended, relating to the organizational structure of the Office of Drug Control Policy; providing for the appointing of the director; and requiring the creation of a task force,"

With the recommendation that the committee substitutes each do pass.

Delegate Howell, Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

**H. B. 3307**, Establishing the West Virginia-Ireland Trade Commission,

And reports the same back with the recommendation that it do pass.

Delegate Howell, Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

**H. B. 3168**, Ensuring investment in WV Tourism is competitive with other states and accessible long term,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 3168) was referred to the Committee on Finance.

Delegate Howell, Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

**H. B. 3095**, Creating a Department of Economic Development grant program relating to agricultural vocational and technical training facilities at West Virginia schools,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Education.

In accordance with the former direction of the Speaker, the bill (H. B. 3095) was referred to the Committee on Education.

Delegate Martin, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 2782**, Require all municipal elections be held on the same election day in November that other state elections are on,

And,

**H. B. 2985**, Relating to authorizing municipalities to establish outdoor refreshment areas for consumption of alcoholic beverages and non-intoxicating beer,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended, but that they first be referred to the Committee on the Judiciary.

Pursuant to House Rule 80, the Speaker referred the bills (H. B. 2782 and H. B. 2985) to the Committee on Government Organization then the Judiciary.

### **Messages from the Executive and Other Communications**

The Clerk announced that Com. Sub. for H. B. 2018, H. B. 2029 and H. B. 2506 were presented to the Governor on February 7, 2023.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 50** - "A Bill to amend and reenact §3-10-5 of the Code of West Virginia, 1931, as amended, relating to the filling of vacancies in the Legislature; and providing that an individual must reside within the district he or she would represent for one year prior to appointment in order to be eligible to fill a vacancy in the Legislature"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 247** - "A Bill to amend and reenact §30-1-9 of the Code of West Virginia, 1931, as amended, relating to making administrative appeals and judicial review of board action subject to provisions of the Administrative Procedures Act"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 296** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto the following new article, designated as §6-9C-1, §6-9C-2, §6-9C-3, §6-9C-4, §6-9C-5, §6-9C-6, §6-9C-7, §6-9C-8, §6-9C-9, and §6-9C-10, all relating to adopting the Model Public Meetings During Emergencies Act; setting forth a short title; defining terms; providing for virtual meetings; providing mechanism for authorization of virtual meetings; setting forth rules for, and conduct of virtual meetings; providing for public observation of, and public participation in, virtual meetings; providing for notice of virtual meetings; providing for rules governing same and exceptions; providing for procedural rules governing conduct of same; and establishing relation to the Electronic Signatures in Global and National Commerce Act"; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 361** - "A Bill to amend and reenact §64-9-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating generally to authorizing certain miscellaneous agencies and boards to promulgate legislative rules; authorizing the rules as filed and as modified Legislative Rule-Making Review Committee, and as amended by the Legislature; relating to authorizing the Board of Accountancy to promulgate a legislative rule relating to board rules of professional conduct; relating to authorizing the Board of Acupuncture to promulgate a legislative rule relating to advertising by licensed acupuncturists; relating to authorizing the Board of Acupuncture to promulgate a legislative rule relating to standards of practice of acupuncture by licensed acupuncturists; relating to authorizing the Board of Acupuncture to promulgate a legislative rule relating to continuing education requirements; relating to

authorizing the Department of Agriculture to promulgate a legislative rule relating to the West Virginia apiary rule; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to schedule of charges for inspection services: fruit; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to noxious weeds; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to Grade "A" pasteurized milk; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to inspection of nontraditional, domesticated animals; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to hemp products; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to livestock care standards; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to farm-to-food bank tax credit; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to farmers markets; relating to authorizing the Athletic Commission to promulgate a legislative rule relating to administrative rules; relating to authorizing the Athletic Commission to promulgate a legislative rule relating to regulation of mixed martial arts; relating to authorizing the State Auditor to promulgate a legislative rule relating to standards for voluntary payroll deductions; relating to authorizing the Conservation Agency to promulgate a legislative rule relating to operation of West Virginia State Conservation Committee and conservation districts; relating to authorizing the Conservation Agency to promulgate a legislative rule relating to conservation district accounting and auditing standards; relating to authorizing the Board of Dentistry to promulgate a legislative rule relating to dental recovery networks; relating to authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to funeral director, embalmer, apprentice, courtesy card holders, and funeral establishment requirements; relating to authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to crematory requirements; relating to authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to a fee schedule; relating to authorizing the Board of Landscape Architects to promulgate a legislative rule

relating to registration of landscape architects; relating to authorizing the Board of Medicine to promulgate a legislative rule relating to licensing of physicians and podiatric physicians and disciplinary procedures for applicants, licensees, and credential holders; relating to authorizing the Board of Medicine to promulgate a legislative rule relating to relating to licensure, practice requirements, disciplinary and complaint procedures, continuing education, physician assistants; authorizing the Board of Medicine to promulgate a legislative rule relating to collaborative pharmacy practice; relating to authorizing the Board of Medicine to promulgate a legislative rule relating to prohibiting sexual misconduct by health care practitioners; relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants; relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy; relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to the Uniform Controlled Substance Act; relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to Board of Pharmacy rules for registration of pharmacy technicians; relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to regulations governing pharmacy permit; relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to inspections; relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to the Donated Drug Repository Program; relating to authorizing the Psychologists to promulgate a legislative rule relating to code of conduct; relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to requirements for registration and licensure and conduct constituting professional misconduct; relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to advanced practice registered nurse licensure requirements; relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to limited prescriptive authority for nurses in advanced practice; relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to continuing education and competence; relating to authorizing the

Board of Registered Professional Nurses to promulgate a legislative rule relating to fees for services rendered by the board; relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to practitioner requirements for accessing the West Virginia Controlled Substance Monitoring Program database; relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to telehealth practice; requirements; definitions; relating to authorizing the Secretary of State to promulgate a legislative rule relating to early voting in-person satellite precincts; relating to authorizing the Secretary of State to promulgate a legislative rule relating to the Combined Voter Registration and Driver Licensing Fund; relating to authorizing the Secretary of State to promulgate a legislative rule relating to administrative procedures for the Nonpublic Funding for Election Administration Fund; relating to authorizing the State Treasurer to promulgate a legislative rule relating to enforcement of the Uniform Unclaimed Property Act; relating to authorizing the State Treasurer to promulgate a legislative rule relating to the Hope Scholarship Program; and relating to authorizing the State Treasurer to promulgate a legislative rule relating to Jumpstart Savings Program"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 475** - "A Bill to amend and reenact §8-22-23a of the Code of West Virginia, 1931, as amended, relating to examinations for disability pensions; modifying examinations for disability pensions; and providing the oversight board discretion in the method of medical examinations of a member applying for disability benefits"; which was referred to the Committee on Pensions and Retirement then Finance.

### **Resolutions Introduced**

The following resolutions were introduced and severally referred as follows:



**By Delegate Westfall:**

**H. C. R. 21** – “Requesting the Division of Highways name bridge number 18-015/01-000.29 (18A193), (38.80947 - 81.70504)), locally known as the Ripley Jr. High Bridge (CSWB), carrying CR 15/01 over Mill Creek, in Jackson County, the ‘Michael Lee “Rube” Ruben Memorial Bridge””; to the Committee on Technology and Infrastructure then Rules

And,

**By Delegate Hanshaw (Mr. Speaker):**

**H. C. R. 22** — Requesting the Division of Highways name a portion of Rt. 16, otherwise known as the ‘Clay Highway’ starting at the intersection of Rt. 16 and Fola Road and ending at the end of the bridge on Rt. 16 in Clay County, as the ‘U.S. Army T/5 Doyle Bedell Taylor Memorial Bridge’; to the Committee on Technology and Infrastructure then Rules

**Bills Introduced**

On motions for leave, bills were introduced and severally referred as follows:

**By Delegate Hanshaw (Mr. Speaker):**

**H. B. 3329** - “A Bill to amend and reenact §51-2-1 of the Code of West Virginia, 1931, as amended, relating to creating judicial circuits and assigning the number of circuit judges in each circuit to be elected in the 2024 election”; to the Committee on the Judiciary.

**By Delegate Hanshaw (Mr. Speaker):**

**H. B. 3330** - “A Bill to amend and reenact §51-2A-3 of the Code of West Virginia, 1931, as amended, relating to creating family court circuits and assigning the number of family court judges in each family court circuit to be elected in the 2024 election”; to the Committee on the Judiciary.

**By Delegate Hanshaw (Mr. Speaker):**

**H. B. 3331** - “A Bill to amend and reenact §50-1-8, §50-1-9, and §50-1-9a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §50-

1-9c; and to amend and reenact §51-2A-6 of said code, all relating generally to support staff in the family courts and magistrate courts of this state”; to the Committee on the Judiciary.

**By Delegate Hanshaw (Mr. Speaker):**

**H. B. 3332** - “A Bill to amend and reenact §51-2-1 of the Code of West Virginia, 1931, as amended, relating to creating judicial circuits and assigning the number of circuit judges in each circuit to be elected in the 2024 election”; to the Committee on the Judiciary.

**By Delegates Storch, Criss, Hardy, Capito, Kelly, Barnhart, Riley, Reynolds, Westfall, Willis and Fluharty:**

**H. B. 3333** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, and §11-13MM-3; all relating to creating a tax credit for taxes paid for a royalty interest”; to the Committee on Finance.

**By Delegates Storch, Criss, Hardy, Capito, Barnhart, Riley, Fluharty, Kelly, Fast and Willis:**

**H. B. 3334** - “A Bill to amend and reenact §11-1C-10 of the Code of West Virginia, 1931, as amended, relating to valuation of industrial property and natural resources property by Tax Commissioner; providing that appraised value of the royalty interest may not exceed the average actual sale price of similarly situated and like royalty interests.; and that this subdivision shall be effective for all assessments made on or after July 1, 2022”; to the Committee on Energy and Manufacturing then Finance.

**By Delegates Anderson, Heckert, Zatezalo, Street and Willis:**

**H. B. 3335** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-4-9c, relating to providing for enhanced damages for nonpayment of royalties due from oil, natural gas, or natural gas liquids production under the terms of a lease or other agreement”; to the Committee on Energy and Manufacturing then the Judiciary.

**By Delegate Riley:**

**H. B. 3336** - “A Bill to amend and reenact §5B-2-21 of the Code of West Virginia, 1931, as amended, relating to expanding the definition of sources of energy for high impact industrial plants and facilities to include power sources free of carbon dioxide emissions, or through sources utilizing carbon dioxide sequestration; to increase the certification of business districts from two to ten; and to modify the expiration date for the provisions of this section”; to the Committee on Energy and Manufacturing then the Judiciary.

**By Delegates Heckert, Fehrenbacher, Cooper, Foggin, Hott, Criss, Hanshaw (Mr. Speaker), Rohrbach, Petitto, A. Hall and Anderson:**

**H. B. 3337** - “A Bill to amend and reenact §16-2D-11 of the Code of West Virginia, 1931, as amended, relating to requiring a certificate of need; prohibiting additional drug and alcohol treatment facilities and services in a certain county”; to the Committee on Health and Human Resources.

**By Delegates Mazzocchi, Hott, Brooks, Steele, Sheedy, Ridenour, Kimble, Warner and Longanacre:**

**H. B. 3338** - “A Bill to amend the Code of West Virginia, 1931, by adding thereto a new section, designated §60A-4-419, relating to creating the felony offense of possessing a firearm while in violation of certain offenses under the Uniform Controlled Substances Act; and imposing a mandatory indeterminate prison sentence”; to the Committee on the Judiciary.

**By Delegates Mazzocchi, Chiarelli, Longanacre, Adkins, Hornby, Heckert, Street, Burkhammer, Fast and Clark:**

**H. B. 3339** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-7L-1, relating to material harmful to minors; providing for legislative intent; defining terms; providing for liability for the publishing or distribution of material harmful to minors on the internet through a private right of action together with damages, attorney fees and costs; providing for reasonable age verification; providing for liability for unlawful retention of personal identifying information together with liquidated damages, attorney fees and costs;

providing for exceptions; providing an effective date; and providing for related matters”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

**By Delegates Hardy, Espinosa, Storch, Statler, Riley, Hott, Hite, Horst and Toney:**

**H. B. 3340** - “A Bill to amend and reenact §7-11B-3, §7-11B-7, §7-11B-8, §7-11B-9, and §7-11B-10 of the Code of West Virginia, 1931, as amended, all relating generally to property tax increment financing; amending definition of tax increment financing; modifying the existing authorization for a county commission or municipality to extend the termination time of certain districts; providing for certain notice to other levying bodies prior to a new project plan or project plan amendment for certain property tax districts being considered for approval; and eliminating certain approval of other levying bodies prior to amendment of an existing district by the county commission or governing body of the municipality making the amendment”; to the Committee on Finance.

**By Delegates Maynor, Howell, Phillips, Lucas, Clark, Linville, Bridges, Crouse, Householder, Gearheart and Willis:**

**H. B. 3341** - “A Bill to amend the Code of West Virginia, as amended, by adding thereto a new section, designated §16-9A-11, relating to permitting cigar bars and cigar lounges to operate in West Virginia resorts; and providing for guidelines for resort cigar bars and lounges”; to the Committee on the Judiciary.

**By Delegates Gearheart, Householder, Storch, Howell, Clark, Maynor, Riley, Kump, Ellington and Espinosa:**

**H. B. 3342** - “A Bill to amend and reenact §7-12-9a of the Code of West Virginia, 1931, as amended, relating to cooperation between municipal and county economic development authorities”; to the Committee on Economic Development and Tourism then Finance.

**By Delegate Burkhammer:**

**H. B. 3343** - “A Bill to amend and reenact §18-5-7 of the Code of West Virginia, 1931, as amended, relating to requiring the

demolition of former school buildings”; to the Committee on Education.

**By Delegates Criss, Storch, Riley, Gearheart, Reynolds, Hott, Statler, Rowe, Espinosa, Anderson and Horst:**

**H. B. 3344** - “A Bill finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof”; to the Committee on Finance.

**By Delegates Ferrell, Fehrenbacher, Mazzocchi, Storch, Dittman, W. Hall, Petitto, Chiarelli, Reynolds, Hite and Warner:**

**H. B. 3345** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §7-10-1a; to amend and reenact §7-10-2 and §7-10-4 of said code; to amend said code by adding thereto two new sections, designated §19-20-12a and §19-20-27; to amend and reenact §19-20-22 and §19-20-26; to amend and reenact §61-8-19 of said code; and to amend said code by adding thereto two new sections, designated §61-8-19d and §61-8-19e, all relating generally to providing increased protections for the welfare of domestic animals; requiring facilities for the care of stray, abandoned, and surrendered animals and providing for access by the public; defining terms; updating the duties of humane officers; defining an owner’s duty of care for companion animals; requiring an owner to confine unspayed female dogs in estrus; requiring dog breeders to provide written disclosures to purchasers; specifying minimum levels of care to be provided by dog breeders; defining when a dog is unfit for sale by a dog breeder and providing remedies therefor; increasing the penalty for a second offence of cruelty to animals; defining the criminal offenses of unlawful confinement of domestic animals and hoarding of animals; establishing criminal penalties; and providing for mental health treatment in certain circumstances involving hoarding of animals”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Howell, Clark, Summers, Ellington, Tully, Gearheart, Maynor, Zatezalo, Skaff, Miller and Honaker:**

**H. B. 3346** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §27-18-1, §27-18-2, and §27-18-3, all relating to the creation of the Mental Hygiene Reform Act; providing for a short title; providing for legislative findings; providing for a new classification system; setting guidelines; and providing for regional commissioners to be appointed by the West Virginia Supreme Court”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Rowe, E. Pritt, Fast and C. Pritt:**

**H. B. 3347** - “A Bill to amend and reenact §5B-2-15 of the Code of West Virginia, 1931, as amended, relating to the Upper Kanawha Valley Resiliency and Revitalization Program by extending the program and adding representatives of communities in the area to the Council”; to the Committee on Government Organization.

**By Delegates Rowe, Griffith, E. Pritt, Hansen, Pushkin and Walker:**

**H. B. 3348** - “A Bill to amend and reenact §18-9F-4 and §18-9F-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-9F-7a, all relating to requiring evaluation and construction of school ingress and egress assessments to improve school safety; the School Building Authority, in consultation with the State School Board, the School Safety and Security Administrator and the Department of Homeland Security shall conduct an assessment of all existing school facilities and develop and distribute designs for upgrades to these existing facilities; directing counties to assist this evaluation; and to allow the funding mechanism established for school safety programs provided for in this article to fund these safety improvements”; to the Committee on Education then Finance.

**By Delegates Rowe and E. Pritt:**

**H. B. 3349** - “A Bill to amend and reenact §30-29-14 of the Code of West Virginia, 1931, as amended, relating to assisting governmental units with training costs for certification of law

enforcement officers; providing that uncertified law enforcement offices may perform limited duties for certain municipalities, with conditions thereto; and providing that Workforce West Virginia may fund or reimburse governmental units expenses and costs associated with training these officers”; to the Committee on Political Subdivisions then Finance.

**By Delegates Rowe, Fluharty, Skaff, Williams, Garcia, Young, E. Pritt, Griffith, Hansen, Walker and Hornbuckle:**

**H. B. 3350** - “A Bill to amend and reenact §11-21-4e of the Code of West Virginia, 1931, as amended, relating to reducing the personal income tax to zero for those making \$80,000 or below”; to the Committee on Finance.

**By Delegate Rowe:**

**H. B. 3351** - “A Bill to amend and reenact §11-21-4E of the Code of West Virginia, 1931, as amended, relating to reducing the personal income tax to zero for those making \$60,000 or below”; to the Committee on Finance.

**By Delegate Rowe:**

**H. B. 3352** - “A Bill to amend and reenact §11-21-4E of the Code of West Virginia, 1931, as amended, relating to reducing the personal income tax to zero for those making \$40,000 or below”; to the Committee on Finance.

**By Delegate McGeehan:**

**H. B. 3353** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-3d; to amend and reenact §5F-2-2 of said code; and to amend said code by adding thereto a new section, designated §31-15-6d; all relating to the limitations on the financial relationships with foreign entities that have values antithetical to those of the State of West Virginia”; to the Committee on Government Organization then the Judiciary.

## **Motions**

Delegate Dean asked and obtained unanimous consent to be removed as a cosponsor of Com. Sub. for H. B. 3130.

## Special Calendar

### Third Reading

**S. B. 241**, Relating to Patient Brokering Act; 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. 86**), 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: Bridges, Clark and Smith.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 241) passed.

On motion of Delegate Summers, the title of the bill was amended to read as follows:

**S. B. 241** – “A Bill to amend and reenact §16-62-2 of the Code of West Virginia, 1931, as amended, relating to patient brokering; requiring a state agency to regulate patient brokering; and requiring the development of a tool to facilitate complaints.”

Delegate Kelly moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 87**), 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: Bridges, Clark and Smith.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 241) takes effect from its passage.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.



### Second Reading

**Com. Sub. for H. B. 2002**, Relating to providing support for families; on second reading, coming up in regular order, was read a second time.

Delegate Young moved to amend the bill on page 1, following the enacting clause by striking out the remainder of the bill and inserting in lieu thereof, the following:

**“CHAPTER 5. GENERAL POWERS AND AUTHORITY  
OF THE GOVERNOR, SECRETARY OF STATE AND  
ATTORNEY GENERAL; BOARD OF PUBLIC WORKS;  
MISCELLANEOUS AGENCIES, COMMISSIONS,  
OFFICES, PROGRAMS, ETC.**

**ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES  
INSURANCE ACT.**

**§5-16-7h. Required coverage for certain medical sterilization  
procedures.(a) The agency shall provide coverage for the  
cost of health care services pursuant to this article for the  
cost of the following health care services:**

(1) A tubal ligation, bilateral salpingectomy or hysterectomy for female sterilization. For purposes of this section the term ‘tubal ligation’ shall mean a medical procedure that severs and ties the fallopian tubes to prevent pregnancy by blocking the passage of eggs from the ovaries to the uterus; the term ‘salpingectomy’ shall mean a surgical procedure where one or both of a woman’s fallopian tubes are removed; and the term ‘hysterectomy’ shall mean a surgery to remove a woman’s uterus; and

(2) A vasectomy for male sterilization. For purposes of this section the term ‘vasectomy’ shall mean a medical procedure that prevents the supply of sperm from entering the urethra by cutting and/or sealing the vas deferens tube that carries semen.

(b) The coverage for these health care services shall not require multiple office visits, waiting periods, or prior authorization prior to the delivery of health care services as set forth in this section.

(c) This section applies to all coverage issued by this agency delivered, issued for delivery, reissued, or extended in the state on and after January 1, 2024, or at any time thereafter when any term of the policy, contract, or plan is changed, or any premium adjustment is made.

## CHAPTER 11. TAXATION.

### ARTICLE 21. PERSONAL INCOME TAX.

#### **§11-21-10a. ~~Credit for nonfamily adoption~~ Adoption tax credit.**

#### **§11-21-10a. ~~Credit for nonfamily adoption~~ Adoption tax credit.**

A one time credit against the tax imposed by the provisions of this article shall be allowed as follows:

*Nonfamily adoptions.* — For nonfamily adoptions, the credit is equal to ~~\$4,000~~ \$5,000 which may be taken in the year of the adoption of each nonfamily child, whose age at adoption is under eighteen years. This credit may, at the option of the taxpayer, be taken over a period of three years.

For the purpose of this section and credit ‘nonfamily adoptions’ means adoptions of a child or children by a taxpayer or taxpayers who are not the father, mother, or stepparent of the child.

#### **§11-21-16. West Virginia personal exemptions of resident individual.**

(a) *General.* — For any tax imposed under the provisions of this article with respect to any taxable year prior to January 1, 1983, a resident individual shall be allowed a West Virginia exemption of \$600 for each exemption for which he or she is entitled to a deduction for the taxable year for federal income tax purposes. With respect to any taxable year beginning on or after January 1, 1983, and prior to January 1, 1984, said exemption shall be \$700; with respect to any taxable year beginning on or after January 1, 1984, said exemption shall be \$800; and with respect to any taxable year beginning on or after January 1, 1987, said exemption shall be

\$2,000. In addition, for tax years beginning on or after January 1, 2023, the resident individual shall be allowed a West Virginia exemption of \$2,000 for an unborn child of the resident individual. For purposes of this section, an ‘unborn child’ means a member of the species homo sapiens, at any stage of development, who is carried in the womb and is not aborted.

(b) *Husband and wife.* — If the West Virginia income taxes of a husband and wife are separately determined but their federal income tax is determined on a joint return, each of them shall be separately entitled, with respect to any taxable year prior to January 1, 1983, to a West Virginia exemption of \$600 for each federal exemption to which he or she would be separately entitled for the taxable year if their federal income taxes had been determined on separate returns. With respect to any taxable year beginning on or after January 1, 1983, and prior to January 1, 1984, said exemption shall be \$700; with respect to any taxable year beginning on or after January 1, 1984, said exemption shall be \$800; and with respect to any taxable year beginning on or after January 1, 1987, said exemption shall be \$2,000.

(c) *Surviving spouse.* — For taxable years beginning after December 31, 1986, a surviving spouse shall be allowed one additional exemption of \$2,000 for the two taxable years beginning after the year of death of the deceased spouse.

For purposes of this section and section twelve of this article, a surviving spouse means a taxpayer whose spouse died during the taxable year prior to the taxable year for which the annual return is being filed and who has not remarried at any time before the end of the taxable year for which the annual return is being filed.

(d) *Certain dependents.* — Notwithstanding any provisions in this section, for taxable years beginning after December 31, 1986, a resident individual whose exemption amount for federal tax purposes is zero by virtue of section 151(d)(2) of the Internal Revenue Code of 1986, shall be allowed a single West Virginia exemption in the amount of \$500.

## CHAPTER 16. PUBLIC HEALTH.

### ARTICLE 5K. EARLY INTERVENTION SERVICES FOR CHILDREN WITH DEVELOPMENTAL DELAYS.

#### **§16-5K-7. Early intervention services for adopted children.**

(a) Effective July 1, 2023, a child or children adopted on and after that date whose adoptive parent or parents are residents of West Virginia shall be eligible for any early intervention services provided for families which may be offered by the Department of Health and Human Resources. These services shall include, but are not limited to, Right From the Start, Drug Free Moms and Babies, and Birth to Three.

(b) If an early intervention program has federal mandated eligibility requirements as a condition of the receipt of federal funds, an adoptive parent or parents and their newly adopted child or children may be required to meet those federally mandated eligibility requirements for participation in the program.

(c) The Department of Health and Human Resources shall recruit additional sites to expand the Drug Free Moms and Babies program and report back to the Legislature if additional funding becomes necessary to operate these sites.

(d) The Bureau for Medical Services shall seek approval of and implement a Medicaid state plan amendment to meet the requirements of this section if the program is offered through or funded by the state Medicaid program and a state Medicaid plan amendment would be necessary to effectuate the purposes of this section.

(e) Use of early intervention services are optional to an adoptive parent or parents and nothing in this section should be construed to require an adoptive parent or parents to use any early intervention service as provided in this section.

**ARTICLE 58. FAMILY PLANNING ACCESS ACT.****§16-58-3. Authorization to dispense self-administered hormonal contraceptives.**

(a) A pharmacist licensed under §30-5-1 *et seq.* of this code may dispense a self-administered hormonal contraceptive: (1) pursuant to a standing prescription drug order made in accordance with ~~§16-57-4~~ §16-58-4 of this code without any other prescription drug order from a person licensed to prescribe a self-administered hormonal contraceptive; and (2) in accordance with the dispensing guidelines in ~~§16-57-6~~ §16-58-6 of this code; ~~and (3) to a patient who is 18 years old or older.~~ Provided, That prior to dispensing a contraceptive pursuant to this section to an unemancipated minor, the pharmacist shall receive authorization in person, in writing or by telephone from the parent, guardian or custodian of the unemancipated minor.

(b) All state and federal laws governing insurance coverage of contraceptive drugs, devices, products, and services shall apply to self-administered contraceptives dispensed by a pharmacist under a standing order pursuant to this section. §16-58-4. Standing prescription drug orders for a self-administered hormonal contraceptive.

(a) The state health officer ~~may~~ shall prescribe on a statewide basis a self-administered hormonal contraceptive by one or more standing orders in accordance with a protocol consistent with the United States Medical Eligibility Criteria for Contraceptive Use (MEC) Centers for Disease Control and Prevention, that requires:

- (1) Use of the self-screening risk assessment questionnaire described below;
- (2) Written and oral education;
- (3) The timeline for renewing and updating the standing order;
- (4) Who is eligible to utilize the standing order;

(5) The pharmacist to make and retain a record of each person to whom the self-administered hormonal contraceptive is dispensed, including:

- (A) The name of the person;
- (B) The drug dispensed; and
- (C) Other relevant information.

(b) The state health officer acting in good faith in any act permitted or required by this article is immune from liability for any civil action arising out of any act or omission resulting from his or her actions related the prescribing of self-administered hormonal contraceptives unless the act or omission was the result of his or her gross negligence or willful misconduct. §16-58-6. Guidelines for dispensing a self-administered hormonal contraceptive.

(a) A pharmacist who dispenses a self-administered hormonal contraceptive under this article:

(1) Shall obtain a completed self-screening risk assessment questionnaire that has been approved by the state health officer in collaboration with the Board of Pharmacy, the Board of Osteopathic Medicine, and the Board of Medicine from the patient before dispensing the self-administered hormonal contraceptive;

(2) Shall notify the patient's primary care provider, if provided;

(3) If when dispensing within the guidelines it is unsafe to dispense a self-administered hormonal contraceptive to a patient then the pharmacist:

(A) May not dispense a self-administered hormonal contraceptive to the patient; and

(B) Shall refer the patient to a health care practitioner or local health department;

(4) May not continue to dispense a self-administered hormonal contraceptive to the patient for more than 12 months after the date

of the initial prescription without evidence that the patient has consulted with a health care practitioner during the preceding 12 months; and

(5) Shall provide the patient with:

(A) Written and verbal information regarding:

(i) The importance of seeing the patient's health care practitioner to obtain recommended tests and screening; and

(ii) The effectiveness and availability of long-acting reversible contraceptives and other effective contraceptives as an alternative to self-administered hormonal contraceptives; and

(B) A copy of the record of the encounter with the patient that includes:

(i) The patient's completed self-assessment tool; and

(ii) A description of the contraceptives dispensed, or the basis for not dispensing a contraceptive.

(b) If a pharmacist dispenses a self-administered hormonal contraceptive to a patient, the pharmacist shall, at a minimum, provide the patient counseling regarding:

(1) The appropriate administration and storage of the self-administered hormonal contraceptive;

(2) Potential side effects and risks of the self-administered hormonal contraceptive;

(3) The need for backup contraception;

(4) When to seek emergency medical attention;

(5) The risk of contracting a sexually transmitted infection or disease, and ways to reduce the risk of contraction; and

(6) Any additional counseling outlined in the protocol as prescribed in ~~§16-57-4~~ §16-58-4 of this code.

(c) The Board of Pharmacy regulates a pharmacist who dispenses a self-administered hormonal contraceptive under this article.

**§16-58-7. Dispensing and payment for hormonal and non-hormonal contraceptives.**

(a) Beginning July 1, 2023, a local health department as set forth in §16-2-1 et seq. shall prescribe and dispense, as appropriate and medically indicated, both hormonal and non-hormonal contraceptives free of charge.

**ARTICLE 63. SUPPORT FOR MOTHERS AND BABIES ACT.**

**§16-63-1. Definitions.**

The following terms are defined:

‘Abortion Industry Organization’ means any organization that performs, prescribes, refers for, encourages or promotes abortion as an option for a pregnant woman, or owns, operates, or manages a facility where abortions are performed and prescribed. The term ‘Organization’ means the entire legal entity, including any entity or affiliate that controls, is controlled by, or is under common control with such an entity.

‘Pregnancy Help Organization’ means an organization that seeks to provide a range of services to individuals facing an unintended pregnancy, with the intention of encouraging pregnant women to give birth to their unborn children. Pregnancy Help Organizations do not perform, prescribe, refer for or encourage abortion, as defined above, nor do they affiliate with any organization that performs, prescribes, refers for, or encourages abortion. Pregnancy Help Organizations include, but are not limited to, organizations traditionally known as ‘crisis pregnancy organizations,’ maternity homes, adoption agencies, and social services agencies that provide material support and other assistance to individuals facing an unintended pregnancy with the intent to help those individuals give birth to their unborn child.



‘Management Agency’ means an organization that contracts with the Bureau for Public Health, or department thereof to manage the Women and Babies Support Program.

‘Subcontractor’ means a Pregnancy Help Organization that contracts with the Management Agency to provide Pregnancy Support Program services to individuals.

### **§16-63-2. Establishing the West Virginia Mothers and Babies Pregnancy Support Program**

(a) There is established the West Virginia Mothers and Babies Pregnancy Support Program under the Bureau for Public Health.

(b) The Commissioner of the Bureau for Public Health shall annually provide funding from the Bureau’s budget to be distributed to Pregnancy Help Organizations.

(c) A Pregnancy Help Organization is eligible to receive funding under the Mothers and Babies Support Program, subject to meeting the standards defined by the Managing Agency.

(d) Organizations meeting the definition of an Abortion Industry Organization under this statute are specifically excluded from receiving funding under the Pregnancy Support Program.

(e) Funds distributed under the Mothers and Babies Support Program shall be distributed on a fee per service arrangement with a fee per service/hour arrangement as set by the Management Agency.

### **§16-63-3. Management Agency.**

(a) The Bureau shall contract with one or more Management Agency that exclusively promote and support childbirth and are knowledgeable and supportive of Pregnancy Help Organization operations to receive the funds and administer the Pregnancy Support Program, as the Program’s Management Agency.

(b) The Management Agency may not perform, prescribe, refer for, advocate for, or encourage abortion; nor may they affiliate or

hold any relationship with any Abortion Industry Organization or any entity that controls, is controlled by, or is under common control with an Abortion Industry Organization.

(c) The Management Agency shall be tasked with the following:

(1) Locating and advertising Program participation to Pregnancy Help Organizations within the state.

(2) Establishing qualification requirements for Pregnancy Help Organization participation which may include, but are not limited to:

(A) Adherence to the ‘Commitment of Care and Competence,’ as established by the Leadership Alliance of Pregnancy Care Organizations.

(B) Participation in trainings organized or led by the Management Agency.

(C) Maintaining policies and processes for child abuse reporting, medical emergencies, and/or addressing client complaints.

(D) Requiring a policy that Pregnancy Help Organizations abide by all applicable federal and state laws.

(E) Requiring annual evaluations of Pregnancy Help Organization staff and volunteers that interact with clients.

(F) Registration as a 501(c)(3) nonprofit organization.

(3) Establishing Invoicing and Reimbursement for Pregnancy Help Organizations receiving funding under the Pregnancy Support Program, including a fee or service schedule whereby costs for each service are set forth.

(4) Establishing statistical standards and other reporting requirements.

(5) Establishing an auditing procedure for Pregnancy Help Organizations to ensure financial and operational accountability.

(d) The Management Agency must enter into contracts with Pregnancy Help Organizations to operate as subcontractors for serving individuals under the Pregnancy Support Program.

## **CHAPTER 33. INSURANCE.**

### **ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.**

#### **§33-15-4x. Required coverage for certain medical sterilization procedures.**

(a) An insurance policy or plan issued by an insurer pursuant to this article that provides coverage for contraceptives health care services shall provide coverage for the cost of the following health care services:

(1) A tubal ligation, bilateral salpingectomy or hysterectomy for female sterilization. For purposes of this section the term ‘tubal ligation’ shall mean a medical procedure that severs and ties the fallopian tubes to prevent pregnancy by blocking the passage of eggs from the ovaries to the uterus; the term ‘salpingectomy’ shall mean a surgical procedure where one or both of a woman’s fallopian tubes are removed; and the term ‘hysterectomy’ shall mean a surgery to remove a woman’s uterus; and

(2) A vasectomy for male sterilization. For purposes of this section the term ‘vasectomy’ shall mean a medical procedure that prevents the supply of sperm from entering the urethra by cutting and/or sealing the vas deferens tube that carries semen.

(b) The coverage for these health care services shall not require multiple office visits, waiting periods, or prior authorization prior to the delivery of health care services as set forth in this section.

(c) The requirements of this section shall apply to all insurance policies issued by an insurer pursuant to this article delivered, issued for delivery, reissued, or extended in the state on and after January 1, 2024, or at any time thereafter when any term of the

policy, contract, or plan is changed, or any premium adjustment is made.

## **ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.**

### **§33-16-3ww. Required coverage for certain medical sterilization procedures.**

(a) An insurance policy or plan issued by an insurer pursuant to this article that provides coverage for contraceptives health care services shall provide coverage for the cost of the following health care services:

(1) A tubal ligation, bilateral salpingectomy or hysterectomy for female sterilization. For purposes of this section the term ‘tubal ligation’ shall mean a medical procedure that severs and ties the fallopian tubes to prevent pregnancy by blocking the passage of eggs from the ovaries to the uterus; the term ‘salpingectomy’ shall mean a surgical procedure where one or both of a woman’s fallopian tubes are removed; and the term ‘hysterectomy’ shall mean a surgery to remove a woman’s uterus; and

(2) A vasectomy for male sterilization. For purposes of this section the term ‘vasectomy’ shall mean a medical procedure that prevents the supply of sperm from entering the urethra by cutting and/or sealing the vas deferens tube that carries semen.

(b) The coverage for these health care services shall not require multiple office visits, waiting periods, or prior authorization prior to the delivery of health care services as set forth in this section.

(c) The requirements of this section shall apply to all insurance policies issued by an insurer pursuant to this article delivered, issued for delivery, reissued, or extended in the state on and after January 1, 2024, or at any time thereafter when any term of the policy, contract, or plan is changed, or any premium adjustment is made.

## **ARTICLE 24. HOSPITAL SERVICE CORPORATIONS, MEDICAL SERVICE CORPORATIONS, DENTAL**

## **SERVICE CORPORATIONS AND HEALTH SERVICE CORPORATIONS.**

### **§33-24-7x. Required coverage for certain medical sterilization procedures.**

(a) A contract, plan or agreement issued by an insurer pursuant to this article that provides coverage for contraceptives health care services shall provide coverage for the cost of the following health care services:

(1) A tubal ligation, bilateral salpingectomy or hysterectomy for female sterilization. For purposes of this section the term ‘tubal ligation’ shall mean a medical procedure that severs and ties the fallopian tubes to prevent pregnancy by blocking the passage of eggs from the ovaries to the uterus; the term ‘salpingectomy’ shall mean a surgical procedure where one or both of a woman’s fallopian tubes are removed; and the term ‘hysterectomy’ shall mean a surgery to remove a woman’s uterus; and

(2) A vasectomy for male sterilization. For purposes of this section the term ‘vasectomy’ shall mean a medical procedure that prevents the supply of sperm from entering the urethra by cutting and/or sealing the vas deferens tube that carries semen.

(b) The coverage for these health care services shall not require multiple office visits, waiting periods, or prior authorization prior to the delivery of health care services as set forth in this section.

(c) The requirements of this section shall apply to all insurance policies issued by an insurer pursuant to this article delivered, issued for delivery, reissued, or extended in the state on and after January 1, 2024, or at any time thereafter when any term of the policy, contract, or plan is changed, or any premium adjustment is made.

## **ARTICLE 25. HEALTH CARE CORPORATIONS.**

### **§33-25-8u. Required coverage for certain medical sterilization procedures.**

(a) A contract, plan or agreement issued by an insurer pursuant to this article that provides coverage for contraceptives health care services shall provide coverage for the cost of the following health care services:

(1) A tubal ligation, bilateral salpingectomy or hysterectomy for female sterilization. For purposes of this section the term ‘tubal ligation’ shall mean a medical procedure that severs and ties the fallopian tubes to prevent pregnancy by blocking the passage of eggs from the ovaries to the uterus; the term ‘salpingectomy’ shall mean a surgical procedure where one or both of a woman’s fallopian tubes are removed; and the term ‘hysterectomy’ shall mean a surgery to remove a woman’s uterus; and

(2) A vasectomy for male sterilization. For purposes of this section the term ‘vasectomy’ shall mean a medical procedure that prevents the supply of sperm from entering the urethra by cutting and/or sealing the vas deferens tube that carries semen.

(b) The coverage for these health care services shall not require multiple office visits, waiting periods, or prior authorization prior to the delivery of health care services as set forth in this section.

(c) The requirements of this section shall apply to all insurance policies issued by an insurer pursuant to this article delivered, issued for delivery, reissued, or extended in the state on and after January 1, 2024, or at any time thereafter when any term of the policy, contract, or plan is changed, or any premium adjustment is made.

## **ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.**

### **§33-25A-8x. Required coverage for certain medical sterilization procedures.**

(a) A contract, plan or agreement issued by an insurer pursuant to this article that provides coverage for contraceptives health care services shall provide coverage for the cost of the following health care services:

(1) A tubal ligation, bilateral salpingectomy or hysterectomy for female sterilization. For purposes of this section the term ‘tubal ligation’ shall mean a medical procedure that severs and ties the fallopian tubes to prevent pregnancy by blocking the passage of eggs from the ovaries to the uterus; the term ‘salpingectomy’ shall mean a surgical procedure where one or both of a woman’s fallopian tubes are removed; and the term ‘hysterectomy’ shall mean a surgery to remove a woman’s uterus; and

(2) A vasectomy for male sterilization. For purposes of this section the term ‘vasectomy’ shall mean a medical procedure that prevents the supply of sperm from entering the urethra by cutting and/or sealing the vas deferens tube that carries semen.

(b) The coverage for these health care services shall not require multiple office visits, waiting periods, or prior authorization prior to the delivery of health care services as set forth in this section.

(c) The requirements of this section shall apply to all insurance policies issued by an insurer pursuant to this article delivered, issued for delivery, reissued, or extended in the state on and after January 1, 2024, or at any time thereafter when any term of the policy, contract, or plan is changed, or any premium adjustment is made.

## **CHAPTER 48. DOMESTIC RELATIONS.**

### **ARTICLE 11. SUPPORT OF CHILDREN.**

#### **§48-11-101. General provisions relating to child support.**

(a) It is one of the purposes of the Legislature in enacting this chapter to improve and facilitate support enforcement efforts in this state, with the primary goal being to establish and enforce reasonable child support orders and thereby improve opportunities for children. It is the intent of the Legislature that to the extent practicable, the laws of this state should encourage and require a child’s parents to meet the obligation of providing that child with adequate food, shelter, clothing, education, and health and child care.

(b) When the domestic relations action involves a minor child or children, the court shall require either party to pay child support in the form of periodic installments for the maintenance of the minor children of the parties in accordance with support guidelines promulgated pursuant to article 13-101, *et seq.*, of this chapter. Payments of child support are to be ordinarily made from a party's income, but in cases when the income is not sufficient to adequately provide for those payments, the court may, upon specific findings set forth in the order, order the party required to make those payments to make them from the corpus of his or her separate estate.

(c) A pregnant mother may seek child support from the father for her unborn child for up to the total cost of all direct pregnancy-related medical expenses. Once the child is born, the current child support law would take effect.

## CHAPTER 49. CHILD WELFARE.

### ARTICLE 4. COURT ACTIONS.

#### **§49-4-405. Multidisciplinary treatment planning process involving child abuse and neglect; team membership; duties; reports; admissions.**

(a) Within 30 days of the initiation of a judicial proceeding pursuant to ~~part six, of this article~~ §49-4-601 of this code, the Department of Health and Human Services shall convene a multidisciplinary treatment team to assess, plan, and implement a comprehensive, individualized service plan for children who are victims of abuse or neglect and their families. The circuit court shall set aside one day each month to enable multidisciplinary treatment teams to meet. The multidisciplinary team shall obtain and utilize any assessments for the children or the adult respondents that it deems necessary to assist in the development of that plan.

(b) In a case initiated pursuant to ~~part six of this article~~ §49-4-601 of this code, the treatment team consists of:



(1) The child or family's case manager in the Department of Health and Human Resources;

(2) The adult respondent or respondents;

(3) The child's parent or parents, guardians, any co-petitioners, custodial relatives of the child, foster or preadoptive parents;

(4) Any attorney representing an adult respondent or other member of the treatment team;

(5) The child's counsel or the guardian ad litem;

(6) The prosecuting attorney or his or her designee;

(7) A member of a child advocacy center when the child has been processed through the child advocacy center program or programs or it is otherwise appropriate that a member of the child advocacy center participate;

(8) Any court-appointed special advocate assigned to a case;

(9) Any other person entitled to notice and the right to be heard;

(10) An appropriate school official; ~~and~~

(11) The managed care case coordinator;

(12) The child placing agency case coordinator; and

~~(11)~~(13) Any other person or agency representative who may assist in providing recommendations for the particular needs of the child and family, including domestic violence service providers.

The child may participate in multidisciplinary treatment team meetings if the child's participation is deemed appropriate by the multidisciplinary treatment team. Unless otherwise ordered by the court, a party whose parental rights have been terminated and his or her attorney may not be given notice of a multidisciplinary treatment team meeting and does not have the right to participate in any treatment team meeting.

(c) Prior to disposition in each case which a treatment planning team has been convened, the team shall advise the court as to the types of services the team has determined are needed and the type of placement, if any, which will best serve the needs of the child. If the team determines that an out-of-home placement will best serve the needs of the child, the team shall first consider placement with appropriate relatives then with foster care homes, facilities or programs located within the state. The team may only recommend placement in an out-of-state facility if it concludes, after considering the best interests and overall needs of the child, that there are no available and suitable in-state facilities which can satisfactorily meet the specific needs of the child.

(d) The multidisciplinary treatment team shall submit written reports to the court as required by the rules governing this type of proceeding or by the court, and shall meet as often as deemed necessary but at least every three months until the case is dismissed from the docket of the court. The multidisciplinary treatment team shall be available for status conferences and hearings as required by the court.

(e) If a respondent or co-petitioner admits the underlying allegations of child abuse or neglect, or both abuse and neglect, in the multidisciplinary treatment planning process, his or her statements may not be used in any subsequent criminal proceeding against him or her, except for perjury or false swearing. §49-4-406. Multidisciplinary treatment process for status offenders or delinquents; requirements; custody; procedure; reports; cooperation; inadmissibility of certain statements.

(a) When a juvenile is adjudicated as a status offender pursuant to §49-4-711 of this code, the Department of Health and Human Resources shall promptly convene a multidisciplinary treatment team and conduct an assessment, utilizing a standard uniform comprehensive assessment instrument or protocol, including a needs assessment, to determine the juvenile's mental and physical condition, maturity and education level, home and family environment, rehabilitative needs and recommended service plan, which shall be provided in writing to the court and team members. Upon completion of the assessment, the treatment team shall

prepare and implement a comprehensive, individualized service plan for the juvenile.

(b) When a juvenile is adjudicated as a delinquent or has been granted a pre-adjudicatory community supervision period pursuant to §49-4-708 of this code, the court, either upon its own motion or motion of a party, may require the Department of Health and Human Resources to convene a multidisciplinary treatment team and conduct an assessment, utilizing a standard uniform comprehensive assessment instrument or protocol, including a needs assessment, to determine the juvenile's mental and physical condition, maturity and education level, home and family environment, rehabilitative needs and recommended service plan, which shall be provided in writing to the court and team members. A referral to the Department of Health and Human Resources to convene a multidisciplinary treatment team and to conduct such an assessment shall be made when the court is considering placing the juvenile in the department's custody or placing the juvenile out-of-home at the department's expense pursuant to §49-4-714 of this code. In any delinquency proceeding in which the court requires the Department of Health and Human Resources to convene a multidisciplinary treatment team, the probation officer shall notify the department at least 15 working days before the court proceeding in order to allow the department sufficient time to convene and develop an individualized service plan for the juvenile.

(c) When a juvenile has been adjudicated and committed to the custody of the Director of the Division of Corrections and Rehabilitation, including those cases in which the juvenile has been committed for examination and diagnosis, or the court considers commitment for examination and diagnosis, the Division of Corrections and Rehabilitation shall promptly convene a multidisciplinary treatment team and conduct an assessment, utilizing a standard uniform comprehensive assessment instrument or protocol, including a needs assessment, to determine the juvenile's mental and physical condition, maturity and education level, home and family environment, rehabilitative needs and recommended service plan. Upon completion of the assessment,

the treatment team shall prepare and implement a comprehensive, individualized service plan for the juvenile, which shall be provided in writing to the court and team members. In cases where the juvenile is committed as a post-sentence disposition to the custody of the Division of Corrections and Rehabilitation, the plan shall be reviewed quarterly by the multidisciplinary treatment team. Where a juvenile has been detained in a facility operated by the Division of Corrections and Rehabilitation without an active service plan for more than 60 days, the director of the facility may call a multidisciplinary team meeting to review the case and discuss the status of the service plan.

(d)(1) The rules of juvenile procedure shall govern the procedure for obtaining any assessment of a juvenile, preparing an individualized service plan and submitting the plan and any assessment to the court.

(2) In juvenile proceedings conducted pursuant to §49-4-701 *et seq.* of this code, the following representatives shall serve as members and attend each meeting of the multidisciplinary treatment team, so long as they receive notice at least seven days prior to the meeting:

(A) The juvenile;

(B) The juvenile's case manager in the Department of Health and Human Resources or the Division of Corrections and Rehabilitation;

(C) The juvenile's parent, guardian or custodian;

(D) The juvenile's attorney;

(E) Any attorney representing a member of the multidisciplinary treatment team;

(F) The prosecuting attorney or his or her designee;

(G) The county school superintendent or the superintendent's designee;

(H) A treatment or service provider with training and clinical experience coordinating behavioral or mental health treatment; ~~and~~

(I) The managed care case coordinator; and

(J) Any other person or agency representative who may assist in providing recommendations for the particular needs of the juvenile and family, including domestic violence service providers. In delinquency proceedings, the probation officer shall be a member of a multidisciplinary treatment team. When appropriate, the juvenile case manager in the Department of Health and Human Resources and the Division of Corrections and Rehabilitation shall cooperate in conducting multidisciplinary treatment team meetings when it is in the juvenile's best interest.

(3) Prior to disposition, in each case in which a treatment planning team has been convened, the team shall advise the court as to the types of services the team has determined are needed and type of placement, if any, which will best serve the needs of the child. If the team determines that an out-of-home placement will best serve the needs of the child, the team shall first consider placement at facilities or programs located within the state. The team may only recommend placement in an out-of-state facility if it concludes, after considering the best interests and overall needs of the child, that there are no available and suitable in-state facilities which can satisfactorily meet the specific needs of the child. The multidisciplinary treatment team shall also determine and advise the court as to the individual treatment and rehabilitation plan recommended for the child for either out-of-home placement or community supervision. The plan may focus on reducing the likelihood of reoffending, requirements for the child to take responsibility for his or her actions, completion of evidence-based services or programs or any other relevant goal for the child. The plan may also include opportunities to incorporate the family, custodian or guardian into the treatment and rehabilitation process.

(4) The multidisciplinary treatment team shall submit written reports to the court as required by applicable law or by the court, shall meet with the court at least every three months, as long as the juvenile remains in the legal or physical custody of the state, and

shall be available for status conferences and hearings as required by the court. The multidisciplinary treatment team shall monitor progress of the plan identified in subdivision (3) of this subsection and review progress of the plan at the regular meetings held at least every three months pursuant to this section, or at shorter intervals, as ordered by the court, and shall report to the court on the progress of the plan or if additional modification is necessary.

(5) In any case in which a juvenile has been placed out of his or her home except for a temporary placement in a shelter or detention center, the multidisciplinary treatment team shall cooperate with the state agency in whose custody the juvenile is placed to develop an after-care plan. The rules of juvenile procedure and §49-4-409 of this code govern the development of an after-care plan for a juvenile, the submission of the plan to the court and any objection to the after-care plan.

(6) If a juvenile respondent admits the underlying allegations of the case initiated pursuant to §49-4-701 through §49-4-725 of this code, in the multidisciplinary treatment planning process, his or her statements may not be used in any juvenile or criminal proceedings against the juvenile, except for perjury or false swearing.

**§49-4-601. Petition to court when child believed neglected or abused; venue; notice; right to counsel; continuing legal education; findings; proceedings; procedure.**

(a) *Petitioner and venue.* — If the department or a reputable person believes that a child is neglected or abused, the department or the person may present a petition setting forth the facts to the circuit court in the county in which the child resides, or if the petition is being brought by the department, in the county in which the custodial respondent or other named party abuser resides, or in which the abuse or neglect occurred, or to the judge of the court in vacation. Under no circumstance may a party file a petition in more than one county based on the same set of facts.

(b) *Contents of Petition.* — The petition shall be verified by the oath of some credible person having knowledge of the facts. The

petition shall allege specific conduct including time and place, how the conduct comes within the statutory definition of neglect or abuse with references to the statute, any supportive services provided by the department to remedy the alleged circumstances, and the relief sought. Each petition shall name as a party each parent, guardian, custodian, other person standing in loco parentis of or to the child allegedly neglected or abused and state with specificity whether each parent, guardian, custodian, or person standing in loco parentis is alleged to have abused or neglected the child.

(c) *Court action upon filing of petition.* — Upon filing of the petition, the court shall set a time and place for a hearing and shall appoint counsel for the child. When there is an order for temporary custody pursuant to this article, the preliminary hearing shall be held within ~~ten~~ 10 days of the order continuing or transferring custody, unless a continuance for a reasonable time is granted to a date certain, for good cause shown.

(d) *Department action upon filing of the petition.* — At the time of the institution of any proceeding under this article, the department shall provide supportive services in an effort to remedy circumstances detrimental to a child.

(e) *Notice of hearing.* —

(1) The petition and notice of the hearing shall be served by the sheriff's office, without additional compensation, upon both parents and any other guardian, custodian, or person standing in loco parentis, giving to the persons at least five days' actual notice of a preliminary hearing and at least ten days' notice of any other hearing.

(2) Notice shall be given to the department, any foster or pre-adoptive parent, and any relative providing care for the child.

(3) In cases where personal service within West Virginia cannot be obtained after due diligence upon any parent or other custodian, a copy of the petition and notice of the hearing shall be mailed to the person by certified mail, addressee only, return

receipt requested, to the last known address of the person. If the person signs the certificate, service is complete and the certificate shall be filed as proof of the service with the clerk of the circuit court.

(4) If service cannot be obtained by personal service or by certified mail, notice shall be by publication as a Class II legal advertisement in compliance with ~~article three, chapter fifty nine~~ §59-3-1 et seq. of this code.

(5) A notice of hearing shall specify the time and place of the hearings, the right to counsel of the child, parents, and other guardians, custodians, and other persons standing in loco parentis with the child and the fact that the proceedings can result in the permanent termination of the parental rights.

(6) Failure to object to defects in the petition and notice may not be construed as a waiver.

(f) *Right to counsel.* —

(1) In any proceeding under this article, the child shall have counsel to represent his or her interests at all stages of the proceedings.

(2) The court's initial order shall appoint counsel for the child, and for any parent, guardian, custodian, or other person standing in loco parentis with the child if such person is without retained counsel.

(3) The court shall, at the initial hearing in the matter, determine whether persons other than the child for whom counsel has been appointed:

(A) Have retained counsel; and

(B) Are financially able to retain counsel.

(4) A parent, guardian, custodian, or other person standing in loco parentis with the child who is alleged to have neglected or abused the child and who has not retained counsel and is financially



unable to retain counsel beyond the initial hearing, shall be afforded appointed counsel at every stage of the proceedings.

(5) Under no circumstances may the same attorney represent both the child and another party. The same attorney may not represent more than one parent or custodian: *Provided*, That one attorney may represent both parents or custodians where both parents or custodians consent to this representation after the attorney fully discloses to the client the possible conflict and where the attorney advises the court that he or she is able to represent each client without impairing his or her professional judgment; if more than one child from a family is involved in the proceeding, one attorney may represent all the children.

(6) A parent who is a co-petitioner is entitled to his or her own attorney.

(7) The court may allow to each attorney appointed pursuant to this section a fee in the same amount which appointed counsel can receive in felony cases.

(8) The court shall, sua sponte or upon motion, appoint counsel to any unrepresented party if, at any stage of the proceedings, the court determines doing so is necessary to satisfy the requirements of fundamental fairness.

(g) *Continuing education for counsel.* — Any attorney representing a party under this article shall receive a minimum of eight hours of continuing legal education training per reporting period on child abuse and neglect procedure and practice. In addition to this requirement, any attorney appointed to represent a child must first complete training on representation of children that is approved by the administrative office of the Supreme Court of Appeals. The Supreme Court of Appeals shall develop procedures for approval and certification of training required under this section. Where no attorney has completed the training required by this subsection, the court shall appoint a competent attorney with demonstrated knowledge of child welfare law to represent the parent or child. Any attorney appointed pursuant to this section

shall perform all duties required of an attorney licensed to practice law in the State of West Virginia.

(h) *Right to be heard.* — In any proceeding pursuant to this article, the party or parties having custodial or other parental rights or responsibilities to the child shall be afforded a meaningful opportunity to be heard, including the opportunity to testify and to present and cross-examine witnesses. Foster parents, pre-adoptive parents, and relative caregivers shall also have a meaningful opportunity to be heard.

(i) *Findings of the court.* — Where relevant, the court shall consider the efforts of the department to remedy the alleged circumstances. At the conclusion of the adjudicatory hearing, the court shall make a determination based upon the evidence and shall make findings of fact and conclusions of law as to whether the child is abused or neglected and whether the respondent is abusing, neglecting, or, if applicable, a battered parent, all of which shall be incorporated into the order of the court. The findings must be based upon conditions existing at the time of the filing of the petition and proven by clear and convincing evidence.

(j) *Priority of proceedings.* — Any petition filed and any proceeding held under this article shall, to the extent practicable, be given priority over any other civil action before the court, except proceedings under ~~section three hundred nine, article twenty-seven, chapter forty-eight~~ §48-27-309 of this code and actions in which trial is in progress. Any petition filed under this article shall be docketed immediately upon filing. Any hearing to be held at the end of an improvement period and any other hearing to be held during any proceedings under this article shall be held as nearly as practicable on successive days and, with respect to the hearing to be held at the end of an improvement period, shall be held as close in time as possible after the end of the improvement period and shall be held within ~~thirty~~ 30 days of the termination of the improvement period.

(k) *Procedural safeguards.* — The petition may not be taken as confessed. A transcript or recording shall be made of all proceedings unless waived by all parties to the proceeding. The

rules of evidence shall apply. Following the court's determination, it shall ask the parents or custodians whether or not an appeal is desired and the response transcribed. A negative response may not be construed as a waiver. The evidence shall be transcribed and made available to the parties or their counsel as soon as practicable, if the transcript is required for purposes of further proceedings. If an indigent person intends to pursue further proceedings, the court reporter shall furnish a transcript of the hearing without cost to the indigent person if an affidavit is filed stating that he or she cannot pay the transcript.

## **ARTICLE 5. RECORD KEEPING AND DATABASE.**

### **§49-5-101. Confidentiality of records; nonrelease of records; exceptions; penalties.**

(a) Except as otherwise provided in this chapter or by order of the court, all records and information concerning a child or juvenile which are maintained by the Division of Juvenile Services, the Department of Health and Human Resources, a child agency or facility, court or law-enforcement agency are confidential and shall not be released or disclosed to anyone, including any federal or state agency.

(b) Notwithstanding the provisions of subsection (a) of this section or any other provision of this code to the contrary, records concerning a child or juvenile, except adoption records and records disclosing the identity of a person making a complaint of child abuse or neglect, may be made available:

(1) Where otherwise authorized by this chapter;

(2) To:

(A) The child;

(B) A parent whose parental rights have not been terminated;

or

(C) The attorney of the child or parent;

(3) With the written consent of the child or of someone authorized to act on the child's behalf; or

(4) Pursuant to an order of a court of record. However, the court shall review the record or records for relevancy and materiality to the issues in the proceeding and safety, and may issue an order to limit the examination and use of the records or any part thereof.

(c) In addition to those persons or entities to whom information may be disclosed under subsection (b) of this section, information related to child abuse or neglect proceedings, except information relating to the identity of the person reporting or making a complaint of child abuse or neglect, shall be made available, upon request, to:

(1) Federal, state or local government entities, or any agent of those entities, including law-enforcement agencies and prosecuting attorneys, having a need for that information in order to carry out its responsibilities under law to protect children from abuse and neglect;

(2) The child fatality review team;

(3) Child abuse citizen review panels;

(4) Multidisciplinary investigative and treatment teams; or

(5) A grand jury, circuit court or family court, upon a finding that information in the records is necessary for the determination of an issue before the grand jury, circuit court or family court.

(d) In the event of a child fatality or near fatality due to child abuse and neglect, information relating to a fatality or near fatality shall be made public by the Department of Health and Human Resources and to the entities described in subsection (c) of this section, all under the circumstances described in that subsection. However, information released by the Department of Health and Human Resources pursuant to this subsection may not include the identity of a person reporting or making a complaint of child abuse or neglect. For purposes of this subsection, 'near fatality' means

any medical condition of the child which is certified by the attending physician to be life threatening.

(e) Except in juvenile proceedings which are transferred to criminal proceedings, law-enforcement records and files concerning a child or juvenile shall be kept separate from the records and files of adults and not included within the court files. Law-enforcement records and files concerning a child or juvenile shall only be open to inspection pursuant to section one hundred three of this article.

(f) Any person who willfully violates this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$1,000, or confined in jail for not more than six months, or both fined and confined. A person convicted of violating this section is also liable for damages in the amount of \$300 or actual damages, whichever is greater.

(g) Notwithstanding the provisions of this section, or any other provision of this code to the contrary, the name and identity of any juvenile adjudicated or convicted of a violent or felonious crime shall be made available to the public;

(h)(1) Notwithstanding the provisions of this section or any other provision of this code to the contrary, the Division of Juvenile Services may provide access to and the confidential use of a treatment plan, court records or other records of a juvenile to an agency in another state which:

(A) Performs the same functions in that state that are performed by the Division of Juvenile Services in this state;

(B) Has a reciprocal agreement with this state; and

(C) Has legal custody of the juvenile.

(2) A record which is shared under this subsection may only provide information which is relevant to the supervision, care, custody and treatment of the juvenile.

(3) The Division of Juvenile Services is authorized to enter into reciprocal agreements with other states and to propose rules for legislative approval in accordance with article three, chapter twenty-nine-a of this code to implement this subsection.

(4) Other than the authorization explicitly given in this subsection, this subsection may not be construed to enlarge or restrict access to juvenile records as provided elsewhere in this code.

(i) The records subject to disclosure pursuant to subsection (b) of this section shall not include a recorded/videotaped interview, as defined in subdivision (6), section two, article six-b, chapter sixty-two of this code, the disclosure of which is exclusively subject to the provisions of section six of said article.

(j) A child agency or facility may disclose otherwise confidential information to other child agencies or facilities when making referrals or providing services on behalf of the child. This information shall be maintained in the same manner as provided in this code.

(k) The department shall provide access to a child placing agency electronic information required to perform an adoption.”

On the adoption of the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 88**), and there were—yeas 13, nays 82, absent and not voting 5, with the yeas and the absent and not voting being as follows:

Yeas: Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Petitto, E. Pritt, Pushkin, Rowe, Skaff, Walker, Williams and Young.

Absent and Not Voting: Bridges, Clark, Smith, Steele and Storch.

So, a majority of the members present not having voted in the affirmative, the amendment was rejected.

Delegate Young moved to amend the bill on page 1, line 9, following the period at the end of section 10a, by inserting the following:

**“§11-21-10b. West Virginia child income tax credit.**

(a) Resident child tax credit- For taxable years beginning January 1, 2023, a taxpayer who is a resident and is not a dependent of another individual is allowed a credit of \$1,000.00 per qualified child of the taxpayer against the tax, except that when a husband and wife file separate returns under this article this credit shall be \$500 per separate return for each child. The portion of a child income credit against the tax that exceeds a taxpayer’s tax liability in the taxable year in which the credit is claimed shall be refunded.

(b)Qualifying child defined- For the purposes of this section “qualifying child” means as the term is defined by Section 152 (c) of the Internal Revenue Code.”

On the adoption of the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 89**), and there were—yeas 14, nays 81, absent and not voting 5, with the yeas and the absent and not voting being as follows:

Yeas: Fluharty, Garcia, Griffith, Hansen, Hornbuckle, McGeehan, Petitto, E. Pritt, Pushkin, Rowe, Skaff, Walker, Williams and Young.

Absent and Not Voting: Bridges, Clark, Smith, Steele and Storch.

So, a majority of the members present not having voted in the affirmative, the amendment was rejected.

There being no further amendments, the bill was ordered to engrossment and third reading.

**Com. Sub. for H. B. 2346**, Declaring a shortage of qualified bus operators and allowing retired bus operators to accept

employment; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2548**, Relating to temporary identification cards for released inmates; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2599**, Creating the utility pole rights of way and easement mapping initiative; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Linville, the bill was amended on page 1, section 2a, line 6, after the word “documentation” by adding the words “:Provided, That nothing in this section shall be construed as requiring pole owners to furnish information to the Department of Economic Development that the pole owners have not already obtained from attachers”.

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 2762**, Allowing variance in state fire code for certain buildings used solely for emergency equipment storage; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Nestor, the bill was amended on page 1, by striking everything after the enacting clause and inserting in lieu thereof the following:

## **“ARTICLE 11. FIRE COMMISSION.**

### **§15A-11-3. Promulgation of rules and State Fire Code.**

(a) Pursuant to the provisions of § 29A-3-1 *et seq.* of this code, the State Fire Commission shall propose and promulgate comprehensive rules for the safeguarding of life and property from the hazards of fire and explosion to be known as the State Fire Code. Rules embodied in the State Fire Code shall be in accordance with standard safe practice as embodied in widely recognized standards of good practice for fire prevention and fire protection



and have the force and effect of law in the several counties, municipalities, and political subdivisions of the state: *Provided*, That buildings or structures utilized primarily for agricultural purposes shall be exempt from the provisions of the State Building Code, the State Fire Code, and any county or municipal building code or ordinance that is or may be adopted, such as the ICC International Property Maintenance Code. The rule shall include, but not be limited to, standard safe practices for the design, construction, location, installation, maintenance, and operation of liquefied petroleum gas systems, and training standards and qualifications for persons who install or maintain liquefied petroleum gas systems.

(b) The State Fire Commission may establish work groups and seek input in the rulemaking process from groups or individuals with an interest in any aspect of the fire code.

(c) For purposes of this section, the term “agricultural purposes” means the raising, cultivation, drying, harvesting, marketing, production, or storage of agricultural products, including both crops and livestock, for sale or use in agriculture or agricultural production, or the storage of machinery or equipment used in support of agricultural production.

(d) The State Fire Commission shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code relating to sprinkler protection, specifically providing that buildings commencing construction after July 1, 2023, housing emergency fire, rescue, or ambulance services shall be protected throughout by approved automatic sprinkler systems: *Provided*, That emergency services buildings that house only equipment, are less than 5,000 square feet, and do not have designated sleeping areas or quarters within them, regardless when constructed or commencing construction, are exempt from this requirement.

#### **§15A-11-5. Promulgation of rules and statewide building code.**

(a) The State Fire Commission shall propose rules for legislative approval in accordance with the provisions of §29A-3-

1 *et seq.* of this code to safeguard life and property and to ensure the quality of construction of all structures erected or renovated throughout this state through the adoption of a State Building Code. The rule may include provisions regarding building construction, renovation, and all other aspects as related to the construction and mechanical operations of a structure. The rule shall include building energy codes. The rules shall be in accordance with standard safe practices so embodied in widely recognized standards of good practice for building construction and all aspects related thereto and have force and effect in those counties and municipalities adopting the State Building Code: *Provided*, That each county or municipality may adopt the code to the extent that it is only prospective and not retroactive in its application; *Provided, however*, That buildings or structures utilized primarily for agricultural purposes shall be exempt from the provisions of the State Building Code, the State Fire Code, and any county or municipal building code or ordinance that is or may be adopted, such as the ICC International Property Maintenance Code.

(b) The State Fire Commission may establish advisory boards as it considers appropriate to encourage representative participation in subsequent rulemaking from groups or individuals with an interest in any aspect of the State Building Code or related construction or renovation practices.

(c) For the purpose of this section, the term "building code" is intended to include all aspects of safe building construction and mechanical operations and all safety aspects related thereto. Whenever any other state law, county, or municipal ordinance, or regulation of any agency thereof is more stringent or imposes a higher standard than is required by the State Building Code, the provisions of the state law, county or municipal ordinance, or regulation of any agency thereof governs if they are not inconsistent with the laws of West Virginia and are not contrary to recognized standards and good engineering practices. In any question, the decision of the State Fire Commission determines the relative priority of any such state law, county or municipal ordinance, or regulation of any agency thereof, and determines

compliance with State Building Code by officials of the state, counties, municipalities, and political subdivisions of the state.

(d) Enforcement of the provisions of the State Building Code is the responsibility of the respective local jurisdiction. Also, any county or municipality may enter into an agreement with any other county or municipality to provide inspection and enforcement services: *Provided*, That any county or municipality may adopt the State Building Code with or without adopting the BOCA National Property Maintenance Code. If a county adopts a property maintenance code or ordinance including, but not limited to, the ICC International Property Maintenance Code, such code or ordinance shall exempt all property used for agricultural purposes or otherwise cause such property to be exempted from any such code or ordinance from enforcement. Any such code that may be or is adopted by any county shall be and is unenforceable as to agricultural property.

(e) After the State Fire Commission has promulgated rules as provided in this section, each county or municipality intending to adopt the State Building Code shall notify the State Fire Marshal of its adoption.

(f) The State Fire Commission may conduct public meetings in each county or municipality adopting the State Building Code to explain the provisions of the rules.

(g) The provisions of the State Building Code relating to the construction, repair, alteration, restoration, and movement of structures are not mandatory for existing buildings and structures identified and classified by the State Register of Historic Places under the provisions of §29-1-8 of this code or the National Register of Historic Places, pursuant to ~~16 U.S.C. §470a~~ 54 U.S.C. § 302101 et seq. Prior to renovations regarding the application of the State Building Code, in relation to historical preservation of structures identified as such, the authority having jurisdiction shall consult with the Division of Culture and History, State Historic Preservation Office. The final decision is vested in the State Fire Marshal. Additions constructed on a historic building are not excluded from complying with the State Building Code.

(h) For purposes of this section, the term "agricultural purposes" has the same meaning as is set forth in §15A-11-3 of this code.

(i) The State Fire Commission shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code relating to sprinkler protection, specifically providing that buildings commencing construction after July 1, 2023, housing emergency fire, rescue, or ambulance services shall be protected throughout by approved automatic sprinkler systems: Provided, That emergency services buildings that house only equipment, are less than 5,000 square feet, and do not have designated sleeping areas or quarters within them, regardless when constructed or commencing construction, are exempt from this requirement."

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 2845**, Relating to removing expired provisions from the code; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2967**, Expediting License Applications for active military members and veterans, and their spouses; on second reading, coming up in regular order, was read a second time.

An amendment offered by Delegate Phillips, was reported by the Clerk.

Whereupon,

Delegate Phillips obtained unanimous consent that the amendment be withdrawn.

The bill was then ordered to engrossment and third reading.

**H. B. 2970**, Creating the equitable right to expungement; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3036**, Increasing the number of districts and the limit on approved costs under the BUILD WV Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3077**, Relating to making the use of the multi-state real time tracking system permanent; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3130**, Creating the Coalfields Energy Research and Economic Development Authority; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3164**, To extend the termination date of the West Virginia Advisory Council on Rare Diseases due to a delay in beginning its duties; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3191**, Relating to certain facilities operated by the state government to obtain a license; 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 H. B. 2218**, Distracted Driving Act,

**Com. Sub. for H. B. 2621**, Relating generally to bail bondsman,

**H. B. 2882**, Making a supplemental appropriation to the Department of Economic Development,

And,

**Com. Sub. for H. B. 3145**, Recognizing the Commission on Uniform State Laws as a presumptive provider of continuing legal education.

### **Leaves of Absence**

At the request of Delegate Kelly, and by unanimous consent, leaves of absence for the day were granted Delegates Bridges, Clark and Smith.

### **Miscellaneous Business**

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

**H. B. 2075:** Delegate Foggin;

**H. B. 2133:** Delegate Ridenour;

**H. B. 2194:** Delegate Ridenour;

**H. B. 2423:** Delegate Ridenour;

**H. B. 2495:** Delegate Ridenour;

**H. B. 2497:** Delegate Ridenour;

**H. B. 2630:** Delegate Rowe;

**H. B. 2985:** Delegate Rowe;

**H. B. 2797:** Delegate Ridenour;

**H. B. 2997:** Delegate Ridenour;

**H. B. 3018:** Delegates Hall and Hornby;

**H. B. 3144:** Delegate Ridenour;

**H. B. 3247:** Delegate Tully;

**H. B. 3302:** Delegate Pinson;

And,

**H. B. 3306:** Delegate Heckert.

At 12:23 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 9, 2023.

---

Thursday, February 9, 2023

## THIRTIETH DAY

[DELEGATE HANSHAW, MR. SPEAKER, IN THE CHAIR]

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Wednesday, February 8, 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 Jeffries announced that Com. Sub. for H. B. 2832, on Second Reading, House Calendar, had been transferred to the Special Calendar.

### Committee Reports

Delegate Phillips, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 3210**, Relating to the performance of installation of propane gas systems,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3210** - “A Bill to amend and reenact §15A-10-15 of the Code of West Virginia, 1931, as amended, relating to the performance of installation of propane gas systems;



providing definitions; and creating certain prohibitions related to liquefied petroleum containers without consent of the owner,”

**H. B. 3261**, Relating to Social Workers Qualifications,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3261** - “A Bill to amend and reenact §30-30-16 of the Code of West Virginia, 1931, as amended, relating to modifying the qualifications for social workers in West Virginia,”

**H. B. 3311**, Relating to wine alcohol by volume as compared to beer,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3311** - “A Bill to amend and reenact §60-8-2 of the Code of West Virginia, 1931, as amended, relating to increasing the alcohol content by volume limit for certain wines; changing the alcohol limit for table wine from 14 percent to 15.5 percent; changing the minimum alcohol content of nonfortified dessert wine from 14.1 percent to 15.6 percent,”

And,

**H. B. 3318**, Relating to location of services provided by the Workforce Development Board as related to the one-stop delivery system,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3318** - “A Bill to amend and reenact §5B-2B-4 of the Code of West Virginia, 1931, as amended, relating to the Workforce Development Board developing policies that ensures a resident receives services from their local area,”

With the recommendation that the committee substitutes each do pass.

Delegate Phillips, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 2309**, To require the Division of Forestry to create an online renewal process no later than July 1, 2023,

And reports the same back, with amendment, with the recommendation that it do pass, as amended.

Delegate Criss, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**H. B. 2006**, Relating to reorganizing the Department of Health and Human Resources,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2006** - “A Bill to amend and reenact §5F-1-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §5F-2-1 and §5F-2-2 of said code; to amend said code by adding thereto a new section designated §5F-2-1a; to repeal §9-1-1 of said code; to amend and reenact §9-1-2 of said code; to amend and reenact §9-2-1 of said code; to repeal §9-2-1a of said code; to amend and reenact §9-2-2, §9-2-5 and §9-2-6, of said code; to repeal §9-2-9 of said code; to amend and reenact §9-2-9a of said code; to repeal §9-2-13 of said code; to repeal §9-5-8a, §9-5-8a and §9-5-8b of said code; to amend and reenact §16-1-2, §16-1-3, §16-1-4, §16-1-5 and §16-1-6 of said code; to amend said code by adding thereto new sections designated, §16-1-22, §16-1-22a, §16-1-22b and §16-1-22c of said code; to amend and reenact §16-29A-4 of said code; to amend and reenact §26-1-1, §26-1-2 and §26-1-3 of said code; to amend said code by adding thereto a new section, designated §26-1-4 of said code; to repeal §26-3-1, §26-3-2, §26-3-3, §26-3-4 and §26-3-5 of said code; to repeal §26-5-1 of said code; to repeal §26-5A-5a of said code; to repeal §26-8-1, §26-8-2 and §26-8-3 of said code; to repeal §26-9-1 and §26-9-2 of said code; to repeal §26-10-1 of said code; to repeal §26-11-1, §26-11-2, §26-11-3 and §26-11-4 of said code; to amend and reenact §48-14-401 of said code; to amend and reenact §48-18-101 of said

code; and to amend and reenact §49-1-106 of said code, all relating to reorganizing the Department of Health and Human Resources,”

And,

**H. B. 3044**, Relating to the annual fee for limited video lottery terminal permits,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3044** - “A Bill to amend and reenact §29-22B-1103 of the Code of West Virginia, 1931, as amended, relating to the annual fee for limited video lottery terminal permits; permitting reduced fee in certain circumstances for certain period; establishing criteria for reduced annual fee for video lottery terminals; requiring West Virginia Lottery to determine which permit holders qualify for reduced annual permit fees and amount thereof; and terminating provisions,”

With the recommendation that the committee substitutes each do pass.

Delegate Criss, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**Com. Sub. for H. B. 2005**, Establishing the dual enrollment pilot program to be administered by the Higher Education Policy Commission and the Council for Community and Technical College Education in conjunction with the State Board of Education,

And reports the same back with the recommendation that it do pass.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

**H. B. 3098**, To eliminate the WV General Summative Assessment and replace it with a formative assessment given three times a year,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3098** - “A Bill to amend the Code of West Virginia, 1931, by adding thereto a new section designated §18-2-44, all relating to standardized testing in state public schools; providing legislative findings and definitions; setting forth requirements to which the state department of education must adhere for a single, comprehensive statewide student assessment program for standardized testing, the frequency therefore and exceptions thereto; requiring that student test results be available to parents and guardians, as well as schools and school districts to which the student transfers; requiring that the department report certain data to the Legislative Oversight Committee on Education Accountability; allowing for certain additional standardized assessments under certain circumstances; clarifying that screener assessments are not prohibited; and providing an effective date,”

And,

**H. B. 3113**, Requiring high school students to complete course of study in personal finance,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3113** - “A Bill to amend and reenact §18-2-7c of the Code of West Virginia, 1931, as amended, relating to requiring additional class options for the delivery of a program of instruction on personal finance for students in secondary schools and requiring every student to complete a course prior to high school graduation,”

With the recommendation that the committee substitutes each do pass.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

**H. B. 3068**, To provide debt incentives for STEM teachers,

And,

**H. B. 3224**, Adding West Virginia Junior College to the list of eligible institutions that accept PROMISE scholarship recipients,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bills (H. B. 3068 and H. B. 3224) were each referred to the Committee on Finance.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

**H. B. 3084**, Relating to revising provisions related to public charter schools,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 3084) was referred to the Committee on Finance.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

**H. B. 3272**, Relating to the operation of private trust companies in West Virginia,

And reports the same back with the recommendation that it do pass.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

**H. B. 2540**, Travel Insurance Model Act,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2540** - “A Bill to repeal §33-12-32b of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §33-62-1, §33-62-2, §33-62-3, §33-62-4, §33-62-5, §33-62-6, §33-62-7, §33-62-8, §33-62-9, §33-62-10, §33-62-11, §33-62-12, §33-62-13, relating to adopting the Travel Insurance Model Act; giving this act a short title; listing the scope and purposes; providing definitions; providing licensing and registration requirements; establishing a premium tax; establishing forms and rates; setting methods enabling the Commissioner to set pricing structure; establishing acceptable sales practices; establishing requirements for travel administrators; allowing for both individual and group policies; granting the Commissioner enforcement powers; granting rulemaking for the Commissioner; and setting an effective date,”

**H. B. 2605**, Relating to Good Samaritan law,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2605** - “A Bill to amend and reenact §55-7-15 and §55-7-17 of the Code of West Virginia, 1931, as amended, all relating to actions for injuries; providing that persons who in good faith render emergency care, or assistance to a person in an accident, emergency, or disaster, voluntarily and without remuneration, are not liable for civil damages for acts or omissions at the scene; and also that persons trained in a qualified program of emergency services who in good faith renders or provides advice, assistance, equipment, or materials at the scene of an actual or threatened accident, emergency, or disaster, voluntarily and without remuneration, are not liable for civil damages for acts or omissions at the scene,”

**H. B. 2817**, Relating to Public Service Commission jurisdiction over alternative fuel for motor vehicles,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2817** - “A Bill to amend and reenact §24-2D-2 and §24-2D-3 of the Code of West Virginia, 1931, as amended, all relating to Public Service Commission jurisdiction over alternative fuel for motor vehicles; clarifying the definitions of alternative fuel and alternative fuel vehicles; limiting Public Service Commission jurisdiction over temporary electric charging locations for alternative fuel vehicles with movable generators, provided the temporary electric charging locations are at fairs, festivals, and other special events, at locations where the electric distribution grid has been adversely effected by emergencies or disasters, natural or otherwise; or at locations which facilitate evacuations from such emergencies or disasters, impending or otherwise; and making technical improvements,”

**H. B. 3122**, Permitting certain types of rifles using an encapsulated propellant charge that loads from the breech,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3122** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-51, relating to permitting certain types of rifles using an encapsulated propellant charge that loads from the breech, with the bullet loaded from the muzzle, during any muzzleloader season; and providing an exception,”

And,

**H. B. 3302**, To recognize unborn child as distinct victim in a DUI causing death,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3302** - “A Bill to amend and reenact §17C-5-2 of the Code of West Virginia, 1931, as amended, and to amend and reenact §61-2-30 of said code; all relating to

recognizing an embryo or fetus as a distinct unborn victim for certain DUI offenses; including an embryo or fetus as a distinct unborn victim for the offense of DUI causing death; including an embryo or fetus as a distinct unborn victim for the offense of DUI causing serious bodily injury; and clarifying that a pregnant woman and the embryo or fetus she is carrying in the womb constitute separate and distinct victims as applied to the offenses of DUI causing death and DUI causing serious bodily injury,”

With the recommendation that the committee substitutes each do pass.

Delegate Jennings, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

**H. B. 3233**, Relating generally to uniform and equipment allowances for the National Guard,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 3233) was referred to the Committee on Finance.

Delegate Jennings, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

**H. B. 3254**, Establishing a State Military Funeral Honor Guard in honor of Hershel “Woody” Williams, known as the Hershel “Woody” Williams State Military Funeral Honor Guard,



And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 3254) was referred to the Committee on Finance.

Delegate Jennings, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

**H. B. 3151**, Relating to assisting law enforcement officer in an emergency at the request of a responding officer,

**H. B. 3152**, Relating to driving under the influence,

And,

**Com. Sub. for S. B. 298**, Relating to non-federally declared emergencies and non-states of emergency,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 3151, H. B. 3152 and Com. Sub. for S. B. 298) were each referred to the Committee on the Judiciary.

Delegate Mallow, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

**H. B. 3056**, To change the requirement for an EMS Agency Vehicle Inspection from every year to every two years,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Technology and Infrastructure.

In accordance with the former direction of the Speaker, the bill (H. B. 3056) was referred to the Committee on Technology and Infrastructure.

Delegate Mallow, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

**H. B. 2871**, Relating to awarding the service weapon of a retiring State Fire Marshal,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2871) was referred to the Committee on the Judiciary.

Delegate Mallow, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

**S. B. 275**, Adding State Fire Marshals to statute included with law enforcement and first responders that receive information on school safety requirements,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Education.

In accordance with the former direction of the Speaker, the bill (S. B. 275) was referred to the Committee on Education.

### **Messages from the Executive and Other Communications**

The Clerk announced that H. B. 2564, H. B. 2776 and H. B. 2777 were presented to the Governor on February 8, 2023; and Com. Sub. for H. B. 2530 and H. B. 2533 were presented to the Governor on February 9, 2023.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 295** - “A Bill to amend and reenact §30-8A-1 of the Code of West Virginia, 1931, as amended, relating to extending the time that a prescription for spectacles remains valid”; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 299** - “A Bill to amend and reenact §61-3B-3, §61-3B-6 and §61-3B-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §61-3B-8, all relating generally to trespass; making double damages applicable to all violations of the article; authorizing sentencing court to assess cleanup expenses; authorizing courts presiding in cases for misdemeanor violations of the article to defer entry of judgment and dismiss the charges if payment of ordered damages is made within six months after conviction”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 300** - “A Bill to amend and reenact §30-29-1 of the Code of West Virginia, 1931, as amended, relating to law-enforcement training and certification; and modifying definition of ‘law-enforcement officer’”; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 419** - “A Bill to amend and reenact §30-1B-1, §30-1B-2, §30-1B-3, and §30-1B-4 of the Code of West Virginia, 1931, as amended; and to repeal §30-1B-5 and §30-1B-7 of said code, all relating to licensure to practice professions and occupations; stating findings; establishing standards for licensure of military-trained applicants; mandating boards act on applications from military-trained applicants not later than 15 days after receipt; providing for conditions for issuance of authorization to practice occupation or trade to military-trained applicants; prohibiting board from charging fee for initial authorization to practice; establishing standards for licensing spouses of current military members; mandating boards act on applications from spouses not later than 15 days after receipt; prohibiting boards from charging fee to spouse of military member for initial authorization to practice; and providing for temporary authorization to practice while application is pending”; which was referred to the Committee on Veterans’ Affairs and Homeland Security then Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 449** - “A Bill to amend and reenact §5-10C-3, §5-10C-4, and §5-10C-5 of the Code of West Virginia, 1931, as amended; all relating to government employees’ retirement plans; updating definitions; clarifying pick-up contributions for nonteachers; and inserting new retirement plan in savings clause”; which was referred to the Committee on Pensions and Retirement then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 450** - “A Bill to amend and reenact §5-10-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-14D-2, §7-14D-14, and §7-14D-15; to amend and reenact §8-22A-2; to amend and reenact §15-2A-2 and §15-2A-9; to amend and reenact §16-5V-2; to amend and reenact §18-7A-3 and §18-7A-25; and to amend and reenact §20-18-2, §20-18-21, and §20-18-22, all relating to disability retirement medical examinations of the West Virginia Public Employees Retirement System, the Deputy Sheriffs’ Retirement System, the Municipal Police and Firefighters Retirement System, the State Police Retirement System, the Emergency Medical Services Retirement System, the Teachers Retirement System, and the Natural Resources Police Officers Retirement System; defining “medical examination”; and providing that board approval of disability awards and benefits be based on a medical examination”; which was referred to the Committee on Pensions and Retirement then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 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 the Teachers

Retirement System and the Teachers' Defined Contribution Retirement System; defining and amending terms related to electing charter schools; defining medical examination; clarifying notification by employer of a retirant re-employed in a permanent position; adding electing charter schools to provisions of delinquent contributions; providing for transfer of assets from the Public Employees Retirement System to the Teachers Retirement System; and adding electing charter schools to retirement contribution section"; which was referred to the Committee on Pensions and Retirement then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 465** - "A Bill to amend and reenact §7-21-3 of the Code of West Virginia, 1931, as amended, relating to increase the maximum amount of money in a county's financial stabilization fund from 30 percent of the county's most recent general fund budget to 50 percent of that fund"; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 489** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-22e, relating to county boards of education; requiring boards to provide free feminine hygiene products in grades three through 12 to female students not otherwise having access to the products; and defining terms"; which was referred to the Committee on Education then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 514** - “A Bill to amend and reenact §31D-14-1421 of the Code of West Virginia, 1931, as amended, relating to clarifying the procedure for administrative dissolution of corporations by the Secretary of State; and relating to the Secretary of State providing notice to corporations subject to administrative dissolution”; which was referred to the Committee on Government Organization.

### **Resolutions Introduced**

On motion for leave, a Joint Resolution was introduced and referred as follows:

**By Delegate Worrell:**

**H. J. R. 25** - “Proposing an amendment to the Constitution of the State of West Virginia amending Article III thereof by adding thereto a new section, designated section twenty-three, relating to the right to refuse any medical treatment, injection, device, vaccine, or prophylactic; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Health and Human Resources then the Judiciary.

### **Bills Introduced**

On motion for leave, a bill was introduced and referred as follows:

**By Delegates Rowe and Hanshaw (Mr. Speaker):**

**H. B. 3354** - “A Bill to amend and reenact §8-12-5 of the Code of West Virginia, 1931, as amended, relating to allowing municipalities to combine operations with other municipalities and counties to provide governmental services”; to the Committee on the Judiciary.

### **Motions**

Delegates Vance, Hall and Kirby asked and obtained unanimous consent to be removed as cosponsors of Com. Sub. for H. B. 3130.

Delegate Riley asked and obtained unanimous consent to be added as a cosponsor of Com. Sub. for H. B. 3130.

### **Special Calendar**

#### **Third Reading**

**Com. Sub. for H. B. 2002**, Relating to providing support for families; 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. 90**), and there were—yeas 88, nays 8, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Fluharty, Garcia, Hansen, Hornbuckle, Pushkin, Skaff, Walker and Williams.

Absent and Not Voting: Clark, Householder, E. Pritt and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2002) passed.

On motion of Delegate Criss, the title of the bill was amended to read as follows:

**Com. Sub. for H. B. 2002** – “A Bill to amend and reenact §11-21-10a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-5K-7; and to amend said code by adding thereto a new article, designated §16-66-1, §16-66-2, and §16-66-3, all relating to providing support for families; increasing adoption tax credit; establishing eligibility of adopted children of West Virginia residents for early intervention services; establishing the West Virginia Mothers and Babies Pregnancy Support Program; defining terms; establishing which organizations are eligible for funding pursuant to program; allowing bureau to contract with management agency to provide



program services; and establishing requirements and responsibilities of management agency.”

*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. 2346**, Declaring a shortage of qualified bus operators and allowing retired bus operators to accept employment; 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. 91**), 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: Clark, Householder, Kirby, E. Pritt, Williams and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2346) passed.

**H. B. 2548**, Relating to temporary identification cards for released inmates; 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. 92**), 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: Steele.

Absent and Not Voting: Clark, Householder, Kirby, E. Pritt, Williams and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2548) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 2599**, Creating the utility pole rights of way and easement mapping initiative; 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. 93**), and there were—yeas 87, nays 9, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Criss, Espinosa, Fluharty, Heckert, Hornbuckle, Pinson, Steele, Street and Walker.

Absent and Not Voting: Clark, Householder, E. Pritt and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2599) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 2762**, Allowing variance in state fire code for certain buildings used solely for emergency equipment storage; 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. 94**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Foster.

Absent and Not Voting: Clark, Householder, E. Pritt and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2762) passed.

On motion of Delegate Phillips, the title of the bill was amended to read as follows:

**Com. Sub. for H. B. 2762** – “A Bill to amend and reenact §15A-11-3 and §15A-11-5 of the Code of West Virginia, 1931, as amended, all relating to requiring the State Fire Commission to promulgate rules pertaining to sprinkler protection; requiring that buildings commencing construction after a certain date shall be protected by automatic sprinkler systems; providing that certain buildings are exempt from State Fire Code rules pertaining to sprinkler protection; providing that certain buildings are exempt from State Building Code rules pertaining to sprinkler protection.”

*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. 2845**, Relating to removing expired provisions from the code; 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. 95**), 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: Clark, Householder, E. Pritt and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2845) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 2967**, Expediting License Applications for active military members and veterans, and their spouses; 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. 96**), 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: Clark, Householder, E. Pritt and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2967) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 2970**, Creating the equitable right to expungement; 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. 97**), 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: Clark, Householder, E. Pritt and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2970) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3036**, Increasing the number of districts and the limit on approved costs under the BUILD WV Act; 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. 98**), and there were—yeas 80, nays 15, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Dean, Dillon, Fast, Gearheart, Hite, Holstein, Jeffries, Kimble, Longanacre, C. Pritt, Ross, Steele, Summers, Thorne and Ward.

Absent and Not Voting: Clark, Honaker, Householder, E. Pritt and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3036) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3077**, Relating to making the use of the multi-state real time tracking system permanent; 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. 99**), 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: Clark, Honaker, Householder, E. Pritt and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3077) passed.

Delegate Jeffries moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 100**), 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: Clark, Honaker, Householder, E. Pritt 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. 3077) 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. 3130**, Creating the Coalfields Energy Research and Economic Development Authority; on third reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Jeffries, and by unanimous consent, the bill was postponed one day.

**Com. Sub. for H. B. 3164**, To extend the termination date of the West Virginia Advisory Council on Rare Diseases due to a delay in beginning its duties; 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. 101**), and there were—yeas 93, nays 2, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Gearheart and Kump.

Absent and Not Voting: Clark, Honaker, Householder, E. Pritt and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3164) passed.

Delegate Jeffries moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 102**), and there were—yeas 94, nays 2, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Dillon and Kump.

Absent and Not Voting: Clark, Householder, E. Pritt 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. 3164) 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. 3191**, Relating to certain facilities operated by the state government to obtain a license; 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. 103**), and there were—yeas 93, nays 2, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: A. Hall and Hanna.

Absent and Not Voting: Anderson, Clark, Householder, E. Pritt and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3191) passed.

On motion of Delegate Summers, the title of the bill was amended to read as follows:

**Com. Sub. for H. B. 3191** - “A Bill to amend and reenact §16-5B-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §27-1-6 of said code; all relating to requiring licensure for certain health facilities operated by the state and defining terms.”

Delegate Jeffries moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 104**), and there were—yeas 92, nays 2, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Dillon and Vance.

Absent and Not Voting: Clark, Householder, Longanacre, E. Pritt, Riley 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. 3191) takes effect from its passage.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

### Second Reading

**Com. Sub. for H. B. 2218**, Distracted Driving Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 2621**, Relating generally to bail bondsman; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Jeffries, and by unanimous consent, the bill was postponed one day.

**Com. Sub. for H. B. 2832**, Clarifying appropriate and inappropriate duties for school counselors while also providing the



definition of a school counselor; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Holstein, the bill was amended on page 2, section 18b, line 31, after the word “student” by inserting the word “academic”.

An amendment sponsored by Delegate Young, was reported by the Clerk.

Whereupon,

Unanimous consent was obtained that the amendment be withdrawn.

The House subsequently returned to further consideration of Com. Sub. for H. B. 2832.

Delegate Walker moved to amend the bill on page 2, section 18b, line 33, by striking out subdivision (9) in its entirety and renumbering the subsequent subdivisions accordingly.

The question being on adoption of the amendment, the same was put and did not prevail.

There being no further amendments, the bill was ordered to engrossment and third reading.

**H. B. 2882**, Making a supplemental appropriation to the Department of Economic Development; on second reading, coming up in regular order, was read a second time.

Delegate McGeehan moved to amend the bill on page 2, line 22, by striking “115,000,000” and inserting in lieu thereof, “10,000,000”;

And,

On page 2, line 26, by striking, “127,147,273” and inserting in lieu thereof, “22,147,273”;

And,

On page 3, line 47 by striking, “From the above appropriation for Directed Transfer - Surplus (fund 0256, appropriation 33 70099), \$105,000,000 shall be transferred to the Economic Development Project Fund (fund 34 9069) and \$10,000,000 shall be transferred to the Broadband Development Fund (fund 3034).”, and inserting in lieu thereof, “From the above appropriation for Directed Transfer – Surplus (fund 0256, appropriation 33 70099) \$10,000,000 shall be transferred to the Broadband Development Fund (fund 3034).”.

Delegate C. Pritt asked to play a recording, which consent was not granted, objection being heard.

Delegate C. Pritt then so moved.

On this motion, the yeas and nays were taken (**Roll No. 105**), and there were—yeas 33, nays 61, absent and not voting 6, with the yeas and the absent and not voting being as follows:

Yeas: Adkins, Bridges, Brooks, Burkhammer, Butler, Chiarelli, Coop-Gonzalez, Crouse, Dean, Dillon, Fast, Forsht, Foster, Gearheart, A. Hall, Hanna, Holstein, Honaker, Jennings, Kimble, Kirby, Longanacre, McGeehan, Petitto, Phillips, Pinson, C. Pritt, Ridenour, Ross, Street, Thorne, Vance and Warner.

Absent and Not Voting: Clark, Foggin, Householder, Martin, E. Pritt and Young.

So, two thirds of the members present not having voted in the affirmative, the motion was rejected.

On the adoption of the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 106**), and there were—yeas 25, nays 70, absent and not voting 5, with the yeas and the absent and not voting being as follows:

Yeas: Bridges, Brooks, Burkhammer, Butler, Chiarelli, Coop-Gonzalez, Dean, Dillon, Fast, Foster, Gearheart, A. Hall, Jeffries,

Kimble, Kirby, McGeehan, Phillips, C. Pritt, Ridenour, Ross, Smith, Thorne, Toney, Vance and Worrell.

Absent and Not Voting: Clark, Longanacre, Martin, E. Pritt and Young.

So, a majority of the members present not having voted in the affirmative, the amendment was rejected.

Delegate Foster moved to amend the bill on page 3, section 1, beginning on line 47, after the word “the” by striking “Economic Development Project Fund (fund 34 9069)” and inserting in lieu thereof the following: “Water Development Authority (fund 3384)”.

On the adoption of the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 107**), and there were—yeas 18, nays 75, absent and not voting 7, with the yeas and the absent and not voting being as follows:

Yeas: Bridges, Brooks, Burkhammer, Butler, Chiarelli, Coop-Gonzalez, Dean, Dillon, Foster, A. Hall, Kimble, Kirby, McGeehan, Phillips, Ridenour, Ross, Smith and Vance.

Absent and Not Voting: Clark, Fluharty, Forsht, Longanacre, Martin, E. Pritt and Young.

So, a majority of the members present not having voted in the affirmative, the amendment was rejected.

Delegate Foster moved to amend the bill on page 2, section 1, line 22, by striking “115,000,000” and inserting in lieu thereof “12,000,000”;

On page 2, section 1, line 26, by striking “127,147,273” and inserting in lieu thereof “24,147,273”;

On page 3, section 1, line 47, by striking “105,000,000” and inserting in lieu thereof “2,000,000”;

And,

On page 3, section 1, beginning on line 47, striking “Economic Development Project Fund (fund 34 9069)” and inserting in lieu thereof “Sexual Assault Intervention and Prevention Fund within the Bureau of Public Health”.

Delegate Hansen arose to a point of order as to the germaneness of the amendment offered by Delegate Foster.

The Speaker ruled that the amendment was germane.

Whereupon,

Delegate Foster asked and obtained unanimous consent that the amendment be withdrawn.

Delegate Foster moved for division into two separate appropriations.

Delegate Householder moved to table the motion to which the Speaker replied that the motion was not in order.

In the absence of objection, the question to divide was put.

On this motion, the yeas and nays were demanded, which demand was sustained.

Having been ordered, the yeas and nays were taken (**Roll No. 108**), and there were—yeas 23, nays 71, absent and not voting 6, with the yeas and the absent and not voting being as follows:

Yeas: Bridges, Brooks, Burkhammer, Butler, Chiarelli, Coop-Gonzalez, Dean, Dillon, Fast, Foster, Gearheart, A. Hall, Kimble, Kirby, Linville, Longanacre, McGeehan, Phillips, C. Pritt, Ridenour, Ross, Vance and Worrell.

Absent and Not Voting: Clark, Fluharty, Forsht, Martin, E. Pritt and Young.

So, a majority of the members present not having voted in the affirmative, the motion was rejected.

The bill was ordered to engrossment and third reading.

**Com. Sub. for H. B. 3145**, Recognizing the Commission on Uniform State Laws as a presumptive provider of continuing legal education; 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 H. B. 2075**, To provide a means to classify when medications should be continued or stopped for patients,

**H. B. 2899**, Repealing two sections of code relating to gas utility rates,

**Com. Sub. for H. B. 3111**, Creating Infrastructure Ready Jurisdictions,

**H. B. 3199**, Relating to removing the requirement that an ectopic pregnancy be reported,

**H. B. 3268**, Add protections for WV residents who reside out of state for certain time periods from non-renewal of licenses and registration,

**Com. Sub. for H. B. 3306**, Relating to the organizational structure of the Office of Drug Control Policy,

And,

**H. B. 3307**, Establishing the West Virginia-Ireland Trade Commission.

### **Leaves of Absence**

At the request of Delegate Jeffries and by unanimous consent, leaves of absence for the day were granted Delegates Clark and E. Pritt.

Delegate Jeffries moved, subject to announcements, that the House adjourn.

The being no objection, the motion to adjourn was subsequently withdrawn.

Unanimous consent having been obtained, the House returned to further consideration of Com. Sub. for H. B. 2346.

Delegate Statler moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 109**), and there were—yeas 90, nays none, absent and not voting 10, with the absent and not voting being as follows:

Absent and Not Voting: Clark, Fluharty, Kirby, Kump, Martin, E. Pritt, Ross, Skaff, Warner 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. 2346) 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.

### **Miscellaneous Business**

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

**H. B. 2075:** Delegates E. Pritt, Pushkin and Young;

**H. B. 2342:** Delegate Rowe;

**H. B. 2336:** Delegate Ridenour;

**H. B. 2619:** Delegate Ridenour;

**H. B. 2760:** Delegate Riley;

**H. B. 2980:** Delegate Ridenour;

**H. B. 3214:** Delegate Williams;

**H. B. 3226:** Delegate Ward;

**H. B. 3302:** Delegates Capito, Fast, Kelly, Kimble, Kump, Martin, C. Pritt and Steele;

And,

**H. B. 3318:** Delegate Ward.

At 2:36 p.m., the House of Delegates adjourned until 9:00 a.m., Friday, February 10, 2023.

---

Friday, February 10, 2023

**THIRTY-FIRST DAY**

[DELEGATE HANSHAW, MR. SPEAKER, IN THE CHAIR]

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Thursday, February 9, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

Delegate Rohrbach, Chair of the Committee on Prevention and Treatment of Substance Abuse submitted the following report, which was received:

Your Committee on Prevention and Treatment of Substance Abuse has had under consideration:

**S. B. 147**, Creating pilot program for recovery residences in Cabell County,

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 Health and

Human Resources be dispensed with, but that it first be referred to the Committee on the Judiciary.

Delegate Householder asked unanimous consent that second reference to the Committee on Health and Human Resources be dispensed with, but that it first be referred to the Committee on the Judiciary, which consent was not given, objection being heard.



Delegate Householder then so moved.

On this motion, the yeas and nays were demanded, which demand was sustained.

Having been ordered, the yeas and nays were taken (**Roll No. 110**), and there were—yeas 72, nays 18, absent and not voting 10, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Butler, Dillon, Fluharty, Foster, Griffith, A. Hall, Hanna, Hansen, Pushkin, Rowe, Sheedy, Skaff, Steele, Vance, Walker, Ward and Young.

Absent and Not Voting: Bridges, Clark, Ellington, Garcia, Jeffries, Lucas, McGeehan, E. Pritt, Riley and Williams.

So, two thirds of the members present having voted in the affirmative, the motion was adopted, and the bill was referred to the Committee on the Judiciary.

Delegate Rohrbach, Chair of the Committee on Prevention and Treatment of Substance Abuse submitted the following report, which was received:

Your Committee on Prevention and Treatment of Substance Abuse has had under consideration:

**Com. Sub. for S. B. 243**, Requiring substance use disorder inpatient providers to provide transportation to patients,

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 Health and Human Resources be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for S. B. 243) to the Committee on Health and Human Resources was abrogated.

Delegate Rohrbach, Chair of the Committee on Prevention and Treatment of Substance Abuse submitted the following report, which was received:

Your Committee on Prevention and Treatment of Substance Abuse has had under consideration:

**Com. Sub. for S. B. 239**, Requiring Commissioner of Bureau for Behavioral Health to engage certain providers and leaders to study homeless demographic,

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference to the Committee on Health and Human Resources be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for S. B. 239) to the Committee on Health and Human Resources was abrogated.

Delegate Summers, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 2186**, Relating to surgical smoke evacuation,

And reports the same back with the recommendation that it do pass.

Delegate Summers, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 2592**, To provide safe harbor peer review for nurses,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2592) was referred to the Committee on the Judiciary.

Delegate Summers, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 3166**, To permit a hospital to hold a patient experiencing a psychiatric emergency for up to 72 hours,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 3166) was referred to the Committee on the Judiciary.

Delegate Summers, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 2993**, Relating to rural emergency hospital licensure,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2993** – “A Bill to amend and reenact §16-5B-14 of the Code of West Virginia, 1931, as amended, relating to rural emergency hospital licensure; defining terms; setting forth licensure standards; permitting a rural emergency hospital to perform certain functions; and providing rulemaking authority,”

**H. B. 3200**, Authorize DHHR to transfer state facilities to regional mental health centers or intellectual disability facilities,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3200** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §27-2A-2, relating to authorizing the Department of Health and Human Resources to transfer certain properties; permits

the department to transfer comprehensive community mental health centers and comprehensive intellectual disability facilities to regional mental health centers or regional intellectual disability facilities; establishing transfer requirements; providing for reversion to the state if the property for certain reasons; permitting the property to be pledged as collateral for a loan; exempts the transfer from the requirements of the Real Estate Division; exempts the transfer from Attorney General scrutiny,”

And,

**H. B. 3317**, Relating to removing specific continuing education requirements,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3317** – “A Bill to amend and reenact §30-1-7a of the Code of West Virginia, 1931, as amended, relating to removing specific continuing education requirements,”

With the recommendation that the committee substitutes each do pass.

Delegate Martin, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 2630**, To allow county councils to change name to county commissions,

And,

**H. B. 2842**, Repeal municipal license and tax when state license required,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bills (H. B. 2630 and H. B. 2842) were each referred to the Committee on Government Organization.

Delegate Martin, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 3134**, To raise the bid thresholds for municipal projects from \$25,000 to \$50,000,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 3134) was referred to the Committee on Finance.

Delegate Mazzocchi, Chair of the Committee on Senior, Children, and Family Issues, submitted the following report, which was received:

Your Committee on Senior, Children, and Family Issues has had under consideration:

**H. B. 3118**, Creating the Parents' Bill of Rights,

And,

**H. B. 3163**, Revising the definition of attributed support, update the basic child support guidelines, and the calculation of ability to pay,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 3118 and H. B. 3163) were each referred to the Committee on the Judiciary.

Delegate Criss, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**H. B. 2839**, To make a technical change correcting an incorrect fund name and to clarify the applicability of §22-2-10 to mine lands governed by both §22-3-1 *et seq.* and §22-2-1 *et seq.*

And reports the same back with the recommendation that it do pass.

Delegate Criss, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**H. B. 2821**, Relating to taxation of gambling and lottery winnings,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2821** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12n, relating to authorizing a decreasing modification reducing federal adjusted gross income for state personal income tax purposes in amount of certain West Virginia gaming and gambling losses, not to exceed the amount of West Virginia gaming and gambling winnings, for that year; requiring detailed records substantiating losses; and placing burden of proving any loss on taxpayer,”

**H. B. 2896**, Relating to making West Virginia an Agreement State with the U. S. Nuclear Regulatory Commission,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2896** - “A Bill to repeal §16-27-1, §16-27-2, §16-27-3, and §16-27-4 of the Code of West Virginia, 1931, as amended; to repeal §16-34-1, §16-34-2, §16-34-3, §16-34-4, §16-34-5, §16-34-6, §16-34-7, §16-34-8, §16-34-9, §16-34-10, §16-34-11, §16-34-12, §16-34-13, and §16-34-14 of said code; to

amend and reenact §18-9E-3 of said code; to amend said code by adding thereto a new article, designated §22-34-1, §22-34-2, §22-34-3, §22-34-4, §22-34-5, §22-34-6, §22-34-7, §22-34-8, §22-34-9, §22-34-10, §22-34-11, §22-34-12, §22-34-13, §22-34-14, §22-34-15, §22-34-16, §22-34-17, §22-34-18, §22-34-19, §22-34-20, and §22-34-21; to amend said code by adding thereto a new article, designated §22-35-1, §22-35-2, §22-35-3, §22-35-4, §22-35-5, §22-35-6, §22-35-7, §22-35-8, §22-35-9, §22-35-10, §22-35-11, §22-35-12, §22-35-13 and §22-35-14; and to amend and reenact §29-1H-3 and §29-1H-5 of said code, all relating to making West Virginia an agreement state with the United States Nuclear Regulatory Commission and transferring authority and responsibility for sources of radiation from other state agencies to the Department of Environmental Protection; establishing a comprehensive regulatory system for the control of sources of radiation for the protection of the public and the environment; creating the Radiation Control Act; providing for declaration of policy and purpose; providing for certain definitions; providing for exemptions; creating the Radiation Advisory Board; providing for the Board's composition, authorities, duties, and for the compensation of members; providing that the Department of Environmental Protection is be designated as the state radiation control agency; providing for the Department's duties, authorities, and requirements for consistency with federal law and regulations; providing for comprehensive programs and procedures to control radiation through general and specific licensing of radioactive materials and equipment; establishing rule making authority under the Department concerning radiation control; establishing licensing and registration requirements and procedures; establishing fee schedules, funding sources, and forms; transferring existing rules, licenses, policies, agreements, grants, and funding to the Department from other agencies; establishing procedures and requirements regarding perpetual custody of radioactive materials and sureties; providing for the Department to acquire needed real estate interests; providing for a comprehensive program to regulate Radon, and its screening, testing, and mitigation; providing for the regulation of X-ray machines, and providing for reports, fees, and qualifications of such inspectors; creating the Radiation Site Closure and Reclamation Fund with requirements and funding

sources; creating the Radiation Licensure and Inspection Fund with requirements and funding sources; allowing for impounding sources of ionizing radiation; providing authority for the Governor and the Department to enter into agreements with the federal government, other states, or interstate agencies; defining effects on local ordinances; providing for administrative procedure and judicial review; defining enforcement procedures regarding violations of law; establishing civil penalties; establishing felonies with criminal penalties; providing for the licensure of radon mitigators, testers, contractors, and laboratories; providing for legislative findings; requiring radon licenses and providing requirements and exemptions; providing for record keeping, rulemaking, and confidentiality; transferring a special revenue fund and other funds to the Department; providing for suspension or revocation of licenses for programs concerning radon and other radioactive materials; continuing an existing misdemeanor with criminal penalties; and providing that the Secretary of the Department of Environmental Protection shall assume responsibilities under the Appalachian States Low-Level Radioactive Waste Compact,”

And,

**H. B. 3308**, Authorizing PSC consider and issue financing orders to certain utilities to permit the recovery of certain costs through securitization via consumer rate relief bonds,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3308** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §24-2-4h and §24-2-21a, all relating to the authority of the Public Service Commission; authorizing the Public Service Commission of West Virginia to consider and authorize the recovery of certain costs by certain utilities through the issuance of consumer rate relief bonds; providing legislative findings; providing definitions; providing application process for financing order authorizing the recovery of certain costs; requiring certain information in application for financing order; providing for issuance of financing order and information contained therein;



allowing for disposition of consumer rate relief property; providing for the effect and term of financing order; providing for subsequent Public Service Commission proceedings and limits on commission authority; providing for duties of certain utilities; providing for application of adjustment mechanism and filing of schedules with commission; providing for nonbypassability of consumer rate relief changes; providing consequences and procedures for utility default; providing for requirements and obligations of successors to certain utilities; providing for security interest in consumer rate relief property and transfer and sale of same; providing for limitation on taxation of consumer rate relief charges and exemption thereto; providing that consumer rate relief bonds are not debt of governmental entities or a pledge of taxing power; providing utility consumer rate relief bonds as legal investment; providing for certain pledge of state; providing for governing law; providing for severability and non-utility status; providing for continued viability of certain bonds; and requiring that utilities must obtain consent and approval from the Public Service Commission prior to retiring, abandoning, closing, or otherwise permanently rendering incapable of operating certain plants or units,”

With the recommendation that the committee substitutes each do pass.

Delegate Anderson, Chair of the Committee on Energy and Manufacturing, submitted the following report, which was received:

Your Committee on Energy and Manufacturing has had under consideration:

**H. R. 12**, Encouraging Monongahela Power to purchase Pleasants Power Station,

And reports the same back with the recommendation that it be adopted, but that it first be referred to the Committee Rules.

In accordance with the former direction of the Speaker, the resolution (H. R. 12) was referred to the Committee on Rules.

Delegate Anderson, Chair of the Committee on Energy and Manufacturing, submitted the following report, which was received:

Your Committee on Energy and Manufacturing has had under consideration:

**H. B. 3189**, The PFAS Protection Act,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 3189) was referred to the Committee on the Judiciary.

Delegate Howell, Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

**Com. Sub. for S. B. 188**, Grid Stabilization and Security Act of 2023,

And reports the same back with the recommendation that it do pass.

### **Messages from the Executive**

A communication from His Excellency, the Governor, advised that on February 9, 2023, he approved **Com. Sub. for S. B. 83** and **S. B. 207**.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 216** - “A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to requiring all schools to instruct students on the Holocaust, other genocides, and financial literacy”; which was referred to the Committee on Education then Finance.

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. 241**, Relating to Patient Brokering Act.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 424** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-101, §11-13MM-201, §11-13MM-202, §11-13MM-301, §11-13MM-302, §11-13MM-303, §11-13MM-401, §11-13MM-402, §11-13MM-403, §11-13MM-501, §11-13MM-502, §11-13MM-503, §11-13MM-601, §11-13MM-602, §11-13MM-603, §11-13MM-701, §11-13MM-702, §11-13MM-703, §11-13MM-801, §11-13MM-802, §11-13MM-803, §11-13MM-901, §11-13MM-902, §11-13MM-903, §11-13MM-1001, §11-13MM-1002, and §11-13MM-1101; and to amend said code by adding thereto two new sections, designated §11-21-4g, and §11-21-4h, all relating to taxation; creating refundable tax credits on certain species of personal property tax; allowing tax credit to be applied against personal income tax during a taxable year; providing findings and purpose; defining terms; providing for application of tax credit; specifying credit is refundable; specifying effective date; providing for treatment of credit upon sale or transfer of eligible taxable personal property; providing a refundable tax credit on real property for disabled veterans; providing for an annual report; providing for an annual audit; allowing rulemaking; relating to reducing the personal income tax; providing for a reduction in the rate of personal income tax;

reducing the rate of tax on composite returns; reducing the rate of withholding tax on nonresident income; providing for an increase in the consumer sales and service tax and service tax and use tax upon the occurrence of certain contingencies; providing that further action of the Legislature is necessary to raise the personal income tax following a reduction; providing findings; requiring notification to taxpayers of changes to sales and service tax and use tax; requiring annual certification to the Governor and legislative leaders of changes to sales and service tax and use tax; requiring reporting to the legislature; providing for rulemaking; and to provide for tax liabilities that existed prior to elimination of personal income tax.”

Delegate Foster having moved that the Senate Message for the bill (Com. Sub. for H. B. 424) be rejected, Delegate Householder moved that the motion be tabled.

The motion to table the motion to reject the Senate Message having been put, the Speaker declared that the “ayes” appeared to have it. The yeas and nays were then demanded, which demand was not sustained.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 495** - “A Bill to amend and reenact §15A-4-8a of the Code of West Virginia, 1931, as amended, relating generally to correctional institutions and juvenile facilities; deeming certain video and audio recordings records and reports to be confidential; creating exceptions to confidentiality; requiring court or administrative tribunal orders directing disclosure to contain a provision limiting disclosure to the purposes necessary to the proceeding and prohibiting unauthorized use and publication; and defining terms”; which was referred to the Committee on the Judiciary.

The Speaker then referred Com. Sub. for S. B. 424 to the Committee on Finance.

### **Resolutions Introduced**

The following resolutions were introduced and severally referred as follows:

**By Delegate Holstein:**

**H. C. R. 23** – “Requesting the Division of Highways name Bridge Number: 03-003/00-033.48 (03A202), (38.06307,-81.57196) locally known as WV 3 WHITE OAK BRIDGE, carrying WV 3 over WHITE OAK CREEK in Boone county, the ‘U.S. Army SGT Theron Turner Memorial Bridge’”; to the Committee on Technology and Infrastructure then Rules

**By Delegate Linville:**

**H. C. R. 24** – “Requesting the Division of Highways name bridge number 06-049/00-008.51 (06A239), locally known as the Decker Adkins Bridge, carrying County Road 49 over Madison Creek in Cabell County, the ‘U. S. Army PFC Herman H. Lucas Memorial Bridge’”; to the Committee on Technology and Infrastructure then Rules

**By Delegates Hite, Hardy, Hornby, Horst, Reynolds, Riley, Hanna, Ridenour, Espinosa, Maynor and Garcia:**

**H. C. R. 25** – “Requesting the Division of Highways name Bridge Numbers: 02-009/00-017.48 (EB & WB) (02A142, 02A143), (39.42463, -77.93802) locally known as OPEQUON CREEK BRIDGE EB & WB, carrying WV 09 over OPEQUON CREEK in Berkeley county, the ‘U. S. Marine Corps, PFC John Louis “Johnny” Brumbaugh, Jr. Memorial Bridge’”; to the Committee on Technology and Infrastructure then Rules

And,

**By Delegate Capito:**

**H. C. R. 26** – “Requesting the Division of Highways name a bridge bearing the bridge number 40-817/00-001.06 () (40A163), (38.43345, -81.85331) locally known as Battle of Scary Bridge, carrying WV 817 over Scary Creek in Putnam County as the ‘U.S. Army SGT Samuel D. Roberts Sr. Memorial Bridge’; to the Committee on Technology and Infrastructure then Rules

### **Bills Introduced**

On motions for leave, bills were introduced and severally referred as follows:

**By Delegate Tully:**

**H. B. 3355** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3-17, relating to criminalizing the unlawful operation of a bulldozer or heavy equipment”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 3356** - “A Bill to amend the code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-2-14, relating to requiring Medicaid to submit all state plan amendments, waiver submissions, and policy changes to the Legislative Oversight Commission on Health and Human Resources Accountability in advance of submission to the Centers for Medicare and Medicaid Service”; to the Committee on Health and Human Resources.

**By Delegate C. Pritt:**

**H. B. 3357** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-3-20, relating to clarifying that a raised seal is not a prerequisite for a court order to be valid; and to clarify that electronic filing without a raised seal is a permissible form of filing”; to the Committee on the Judiciary.

**By Delegate C. Pritt:**

**H. B. 3358** - “A Bill to amend and reenact §48-2-402 of the Code of West Virginia, 1931, as amended, relating to providing an exemption from marriage and license participation in certain situations”; to the Committee on the Judiciary.

**By Delegates Mazzocchi and Phillips:**

**H. B. 3359** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §19-38-1, §19-38-2, §19-38-3, §19-38-4, §19-38-5, §19-38-6, §19-38-7, and §19-38-8, all relating to agriculture and creating the West Virginia

Farm Fresh Dairy Act; providing definitions; exempting certain sales from licensure and certification; setting forth best sanitary milking and milk handling practices; providing for a registration process; setting forth enforcement provisions; setting forth product sales requirements; and providing an effective date”; to the Committee on Agriculture and Natural Resources then Government Organization.

**By Delegates Kelly and Hott:**

**H. B. 3360** - “A Bill to amend and reenact §15A-1-9 of the Code of West Virginia, 1931, as amended, relating to the Department of Homeland security; and authorizing the Secretary of the Department of Homeland Security to establish within the department an Office of the Inspector General for the purpose of conducting and supervising investigations and other tasks”; to the Committee on the Judiciary.

**By Delegates Rowe and Pushkin:**

**H. B. 3361** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-13-19b, relating to the allocation of federal funds to county commissions and certain municipalities”; to the Committee on Political Subdivisions then Finance.

**By Delegates Riley, Kimble, Honaker, Heckert, Foggin, Ward and Kelly:**

**H. B. 3362** - “A Bill to amend and reenact §61-2-10b of the Code of West Virginia, 1931, as amended, all relating to adding definition of police service canine and revising definition of law enforcement officer to include police service canine”; to the Committee on the Judiciary.

**By Delegates Brooks, Foster, Kump, Hott, Ward, Honaker, Street, Dean, Bridges, Barnhart and Kelly:**

**H. B. 3363** - “A Bill to amend and reenact §15A-3-10 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-29-1 of this code, relating to recognizing the law-enforcement powers of correctional officers employed by the Division of Corrections and Rehabilitation”; to the Committee on Jails and Prisons then the Judiciary.

**By Delegate Storch:**

**H. B. 3364** - “A Bill to amend and reenact §8-33-4a of the Code of West Virginia, 1931, as amended, relating to the issuance of pension funding revenue bonds; and requiring the closure of certain municipal policemen’s and firemen’s pension and relief funds as condition of issuance of pension funding revenue bonds”; to the Committee on Pensions and Retirement then Finance.

**By Delegate Riley:**

**H. B. 3365** - “A Bill to amend and reenact §5B-2-21 and §24-1-2 of the Code of West Virginia, 1931, as amended, relating to including non-combustion and other fuel sources that are free of carbon dioxide of that use carbon dioxide sequestration in the Economic Development Act of 1985, and to exclude from the definition of ‘public utility’ any subsidiary of a public utility providing electric service within a Certified High Impact Industrial Business Development District”; to the Committee on Energy and Manufacturing then the Judiciary.

**By Delegates W. Hall, Shamblin and Rohrbach:**

**H. B. 3366** – “A Bill to amend and reenact §61-3B-3, §61-3-13, and §61-3-30 the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated §61-10-34; all relating to creating the Property Protection Act; providing a short title; providing a definition; prescribing penalties for various offenses on property; providing exceptions; providing for forfeiture of certain items used in perpetrating such crimes; and updating the criminal code to reflect the changes in penalties; to the Committee on the Judiciary.

**By Delegates Butler, Brooks, Dillon, Ward, Longanacre, Burkhammer, Ridenour, Chiarelli, Ross, Hillenbrand and Pinson:**

**H. B. 3367** - “A Bill amend and reenact §5-5-4b of the Code of West Virginia, 1931, as amended, relating to providing a pay raise to administrative employees, staff, and personnel of the Division of Corrections, Division of Juvenile Services, and the West Virginia Regional Jail and Correctional Facility Authority who have accumulated three years or more years of continuous



employment, in order to retain current workers and attract new workers to this field”; to the Committee on Finance.

**By Delegates Ridenour and Longanacre:**

**H. B. 3368** - “A Bill to amend and reenact §18A-3-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §18A-3-2a of said code; both relating to establishing the Troops-to-Teachers program”; to the Committee on Education then Finance.

**By Delegates Kelly, Hott, Garcia and Worrell:**

**H. B. 3369** - “A Bill to amend and reenact §15-2D-1, §15-2D-2 and §15-2D-3 of the Code of West Virginia”; to the Committee on the Judiciary.

**By Delegates Howell and Storch:**

**H. B. 3370** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2N-1, §5B-2N-2, §5B-2N-3, and §5B-2N-4, all relating to the creation of a loan program to be administered by the West Virginia Department of Economic Development for certain properties and developments on U.S. Army Corps of Engineers land, state parks and resorts, and hybrid tourism destinations, wherein the state will co-sign on loans between public and private partnerships; providing for legislative findings and purpose; providing for definitions; establishing the loan program and providing that funding will only be given in the case of default; providing for guidelines and approval by the West Virginia Department of Economic Development, the West Virginia Department of Commerce, and the West Virginia Department of Tourism before a project may be approved for funding; providing for a reporting requirement; and providing for an effective date”; to the Committee on Economic Development and Tourism then Finance.

**Motions**

On motion of Delegate Capito, having voted on the prevailing side on yesterday, the House of Delegates reconsidered the passage of **H. B. 2970**.

Delegate Capito asked and obtained unanimous consent to amend the bill on third reading, and the rule was suspended to permit the offering and consideration of such.

On motion of Delegate Capito, the bill was amended on page 1 by striking everything after the enacting clause and inserting in lieu thereof the following:

**“ARTICLE 11. GENERAL PROVISIONS CONCERNING  
CRIMES.**

**§61-11-25. Expungement of criminal records for those found not guilty of crimes or against whom charges have been dismissed; expungement of criminal records for those that have successfully completed all requirements of a deferred adjudication or pretrial diversion.**

(a) Any person who has been charged with a criminal offense under the laws of this state and who has been found not guilty of the offense, or against whom charges have been dismissed, and not in exchange for a guilty plea to another offense, may file a civil petition in the circuit court in which the charges were filed to expunge all records relating to the arrest, charge or other matters arising out of the arrest or charge. Notwithstanding the provisions of subdivision (a), any person whose charges have been dismissed following a full and successful completion of a pretrial diversion pursuant to §61-11-22 of this code, or whose charges have been dismissed following the full and successful completion of a deferred adjudication pursuant to §61-11-22a of this code, may file a civil petition in the circuit court in which the dismissed charges were filed to expunge all records relating to the arrest, charges or other matters arising out of the arrest or charges: *Provided*, That no record in the Division of Motor Vehicles may be expunged by virtue of any order of expungement entered pursuant to §17C-5-2b of this code nor may any charges ultimately dismissed by way of full and successful completion of any deferred adjudication be expunged for violations of §61-8B-1, *et seq.*, §61-8D-1, *et seq.*, §61-2-28(a) or §61-2-28(b) of this code, or for violations of §61-2-9(b) or §61-2-9(c) of this code where the alleged victim is a family or household member as defined in §48-27-204: *Provided, further*,

That any person who has previously been convicted of a felony may not file a petition for expungement pursuant to this section. The term records as used in this section includes, but is not limited to, arrest records, fingerprints, photographs, index references or other data whether in documentary or electronic form, relating to the arrest, charge or other matters arising out of the arrest or charge. Criminal investigation reports and all records relating to offenses subject to the provisions of §15-12-1 *et seq.* of this code because the person was found not guilty by reason of mental illness, mental retardation or addiction are exempt from the provisions of this section.

(b) The expungement petition shall be filed not sooner than 60 days following the order of acquittal or dismissal by the court. Any court entering an order of acquittal or dismissal shall inform the person who has been found not guilty or against whom charges have been dismissed of his or her rights to file a petition for expungement pursuant to this section.

(c) Following the filing of the petition, the court may set a date for a hearing. If the court does so, it shall notify the prosecuting attorney and the arresting agency of the petition and provide an opportunity for a response to the expungement petition.

(d) If the court finds that there are no current charges or proceedings pending relating to the matter for which the expungement is sought, the court may grant the petition and order the sealing of all records in the custody of the court and expungement of any records in the custody of any other agency or official including law enforcement records. Every agency with records relating to the arrest, charge or other matters arising out of the arrest or charge, that is ordered to expunge records, shall certify to the court within 60 days of the entry of the expungement order, that the required expungement has been completed. All orders enforcing the expungement procedure shall also be sealed.

(e) Upon expungement, the proceedings in the matter shall be ~~deemed~~ considered never to have occurred. The court and other agencies shall reply to any inquiry that no record exists on the matter. The person whose record is expunged ~~shall~~ may not have

to disclose the fact of the record or any matter relating thereto on an application for employment, credit or other type of application.

(f) Inspection of the sealed records in the court's possession may thereafter be permitted by the court only upon a motion by the person who is the subject of the records or upon a petition filed by a prosecuting attorney that inspection and possible use of the records in question are necessary to the investigation or prosecution of a crime in this state or another jurisdiction. If the court finds that the interests of justice will be served by granting the petition, it may be granted.

(g) There ~~shall~~ may be no filing fees charged or costs assessed for filing an action pursuant to this section.”

Having been engrossed, the bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 111**), 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: Bridges, Clark, Ellington, Jeffries, McGeehan, E. Pritt and Skaff.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2970) passed.

On motion of Delegate Capito, the title of the bill was amended to read as follows:

**H. B. 2970** - “A Bill to amend and reenact §61-11-25 of the Code of West Virginia, 1931, as amended, relating to general provisions concerning crimes; expungement of criminal records; and when a civil action may be filed to expunge criminal records, also relating to expungement of certain criminal records concerning crimes that have been addressed through deferred adjudication and pretrial diversion, also relating to excluding certain crimes from eligibility for expungement even though a deferred adjudication has been successfully completed.”

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

### **Special Calendar**

#### **Third Reading**

**Com. Sub. for H. B. 2218**, Distracted Driving Act; 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. 112**), and there were—yeas 88, nays 6, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Butler, Crouse, Dean, Gearheart, A. Hall and Maynor.

Absent and Not Voting: Bridges, Clark, Ellington, Jeffries, McGeehan and E. Pritt.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2218) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 2832**, Clarifying appropriate and inappropriate duties for school counselors while also providing the definition of a school counselor; 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. 113**), 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: Bridges, Clark, Ellington, Hite, Jeffries, McGeehan and E. Pritt.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2832) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 2882**, Making a supplemental appropriation to the Department of Economic Development; on third reading, coming up in regular order, was read a third time.

Delegate Pushkin arose to a point of order regarding the remarks of Delegate Kirby not being directed to the Speaker.

The Speaker ruled the point well taken.

Delegate Hardy arose to a point of order regarding the questioning of Delegate Linville by Delegate Ridenour not pertaining to the bill before the House.

The Speaker ruled the point well taken.

Delegate Rowe moved to be permitted to speak a second time.

On this motion, the yeas and nays were taken (**Roll No. 114**), and there were—yeas 18, nays 74, absent and not voting 8, with the yeas and the absent and not voting being as follows:

Yeas: Anderson, Butler, Dean, Fluharty, Foster, Garcia, Griffith, Hanna, Hansen, Hornbuckle, Howell, Pushkin, Rowe, Skaff, Walker, Williams, Young and Zatezalo.

Absent and Not Voting: Bridges, Clark, Ellington, Forsht, Jeffries, McGeehan, E. Pritt and Steele.

So, two thirds of the members present not having voted in the affirmative, the motion was rejected.

On the passage of the bill, the yeas and nays were taken (**Roll No. 115**), and there were—yeas 69, nays 25, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Brooks, Burkhammer, Butler, Chiarelli, Coop-Gonzalez, Crouse, Dean, Dillon, Fast, Foster, Gearheart, A. Hall, Holstein, Kimble, Kirby, Longanacre, Martin, Phillips, C. Pritt, Ridenour, Ross, Smith, Thorne, Vance and Worrell.

Absent and Not Voting: Bridges, Clark, Ellington, Jeffries, McGeehan and E. Pritt.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2882) passed.

Delegate Householder moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 116**), and there were—yeas 79, nays 15, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Brooks, Burkhammer, Butler, Chiarelli, Coop-Gonzalez, Dillon, Foster, A. Hall, Kimble, Kirby, Longanacre, C. Pritt, Ross, Vance and Worrell.

Absent and Not Voting: Bridges, Clark, Ellington, Jeffries, McGeehan and E. Pritt.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2882) 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. 3130**, Creating the Coalfields Energy Research and Economic Development Authority; 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. 117**), and there were—yeas 70, nays 23,

absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Brooks, Burkhammer, Butler, Chiarelli, Coop-Gonzalez, Dean, Dillon, Fast, Foggin, Foster, A. Hall, Hillenbrand, Hite, Kirby, Longanacre, Martin, Reynolds, Ridenour, Ross, Sheedy, Thorne, Vance and Worrell.

Absent and Not Voting: Bridges, Clark, Ellington, Jeffries, McGeehan, E. Pritt and Zatezalo.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3130) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3145**, Recognizing the Commission on Uniform State Laws as a presumptive provider of continuing legal 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. 118**), 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: Bridges, Clark, Ellington, Jeffries, McGeehan, E. Pritt and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3145) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.



### Second Reading

**Com. Sub. for H. B. 2075**, To provide a means to classify when medications should be continued or stopped for patients; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Householder, and by unanimous consent, the bill was postponed one day.

**Com. Sub. for H. B. 2621**, Relating generally to bail bondsman; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Burkhammer and Householder, the bill was amended on page 1, by striking everything after the enacting clause and inserting in lieu thereof the following:

## “CHAPTER 33 INSURANCE

### ARTICLE 1. DEFINITIONS

#### **§33-1-10. Kinds of insurance defined.**

The following definitions of kinds of insurance are not mutually exclusive and, if reasonably adaptable thereto, a particular coverage may be included under one or more of such definitions:

(a) *Life insurance*. — Life insurance is insurance on human lives including endowment benefits, additional benefits in the event of death or dismemberment by accident or accidental means, additional benefits for disability and annuities.

(b) *Accident and sickness*. — Accident and sickness insurance is insurance against bodily injury, disability or death by accident or accidental means, or the expense thereof, or against disability or expense resulting from sickness and insurance relating thereto. Group credit accident and health insurance may also include loss of income insurance which is insurance against the failure of a debtor to pay his or her monthly obligation due to involuntary loss

of employment. For the purposes of this definition, involuntary loss of employment means the debtor loses employment income (salary or wages) as a result of unemployment caused by individual or mass layoff, general strikes, labor disputes, lockout or termination by employer for other than willful or criminal misconduct. Any or all of the above-mentioned perils may be included in an insurance policy, at the discretion of the policyholder.

(c) *Fire.* — Fire insurance is insurance on real or personal property of every kind and interest therein, against loss or damage from any or all hazard or cause, and against loss consequential upon such loss or damage, other than noncontractual liability for any such loss or damage. Fire insurance shall also include miscellaneous insurance as defined in ~~paragraph (12), subdivision (e) of this section~~ §33-1-10(c)(12) of this code.

(d) *Marine insurance is insurance:*

(1) Against any and all kinds of loss or damage to vessels, craft, aircraft, cars, automobiles and vehicles of every kind, as well as all goods, freight, cargoes, merchandise, effects, disbursements, profits, moneys, bullion, precious stones, securities, chooses in action, evidences of debt, valuable papers, bottomry and respondentia interests and all other kinds of property and interests therein, in respect to, appertaining to or in connection with any and all risks or perils of navigation, transit or transportation, including war risks, on or under any seas or other waters, on land (above or below ground), or in the air, or while being assembled, packed, crated, baled, compressed or similarly prepared for shipment or while awaiting the same or during any delays, storage, transshipment, or reshipment incident thereto, including marine builders' risks and all personal property floater risks;

(2) Against any and all kinds of loss or damage to person or to property in connection with or appertaining to a marine, inland marine, transit or transportation insurance, including liability for loss of or damage to either, arising out of or in connection with the construction, repair, operation, maintenance or use of the subject matter of such insurance (but not including life insurance or surety bonds nor insurance against loss by reason of bodily injury to the

person arising out of the ownership, maintenance or use of automobiles);

(3) Against any and all kinds of loss or damage to precious stones, jewels, jewelry, gold, silver and other precious metals, whether used in business or trade or otherwise and whether the same be in course of transportation or otherwise;

(4) Against any and all kinds of loss or damage to bridges, tunnels and other instrumentalities of transportation and communication (excluding buildings, their furniture and furnishings, fixed contents and supplies held in storage) unless fire, windstorm, sprinkler leakage, hail, explosion, earthquake, riot or civil commotion or any or all of them are the only hazards to be covered;

(5) Against any and all kinds of loss or damage to piers, wharves, docks and ships, excluding the risks of fire, windstorm, sprinkler leakage, hail, explosion, earthquake, riot and civil commotion and each of them;

(6) Against any and all kinds of loss or damage to other aids to navigation and transportation, including dry docks and marine railways, dams and appurtenant facilities for control of waterways; and

(7) Marine protection and indemnity insurance, which is insurance against, or against legal liability of the insured for, loss, damage or expense arising out of, or incident to, the ownership, operation, chartering, maintenance, use, repair or construction of any vessel, craft or instrumentality in use in ocean or inland waterways, including liability of the insured for personal injury, illness or death or for loss of or damage to the property of another person.

(e) *Casualty*. — Casualty insurance includes:

(1) Vehicle insurance, which is insurance against loss of or damage to any land vehicle or aircraft or any draft or riding animal or to property while contained therein or thereon or being loaded therein or therefrom, from any hazard or cause, and against any

loss, liability or expense resulting from or incident to ownership, maintenance or use of any such vehicle, aircraft or animal; together with insurance against accidental death or accidental injury to individuals, including the named insured, while in, entering, alighting from, adjusting, repairing or cranking, or caused by being struck by any vehicle, aircraft or draft or riding animal, if such insurance is issued as a part of insurance on the vehicle, aircraft or draft or riding animal;

(2) Liability insurance, which is insurance against legal liability for the death, injury or disability of any human being, or for damage to property; and provisions for medical, hospital, surgical, disability benefits to injured persons and funeral and death benefits to dependents, beneficiaries or personal representatives of persons killed, irrespective of legal liability of the insured, when issued as an incidental coverage with or supplemental to liability insurance;

(3) Burglary and theft insurance, which is insurance against loss or damage by burglary, theft, larceny, robbery, forgery, fraud, vandalism, malicious mischief, confiscation, or wrongful conversion, disposal or concealment, or from any attempt at any of the foregoing, including supplemental coverages for medical, hospital, surgical and funeral benefits sustained by the named insured or other person as a result of bodily injury during the commission of a burglary, robbery or theft by another; also insurance against loss of or damage to moneys, coins, bullion, securities, notes, drafts, acceptances or any other valuable papers and documents resulting from any cause;

(4) Personal property floater insurance, which is insurance upon personal effects against loss or damage from any cause;

(5) Glass insurance, which is insurance against loss or damage to glass, including its lettering, ornamentation and fittings;

(6) Boiler and machinery insurance, which is insurance against any liability and loss or damage to property or interest resulting from accidents to or explosion of boilers, pipes, pressure containers, machinery or apparatus and to make inspection of and

issue certificates of inspection upon boilers, machinery and apparatus of any kind, whether or not insured;

(7) Leakage and fire extinguishing equipment insurance, which is insurance against loss or damage to any property or interest caused by the breakage or leakage of sprinklers, hoses, pumps and other fire extinguishing equipment or apparatus, water mains, pipes and containers, or by water entering through leaks or openings in buildings, and insurance against loss or damage to such sprinklers, hoses, pumps and other fire extinguishing equipment or apparatus;

(8) Credit insurance, which is insurance against loss or damage resulting from failure of debtors to pay their obligations to the insured. Credit insurance shall include loss of income insurance which is insurance against the failure of a debtor to pay his or her monthly obligation due to involuntary loss of employment. For the purpose of this definition, involuntary loss of employment means the debtor loses employment income (salary or wages) as a result of unemployment caused by individual or mass layoff, general strikes, labor disputes, lockout or termination by employer for other than willful or criminal misconduct; any or all of the above-mentioned perils may be included in an insurance policy, at the discretion of the policyholder;

(9) Malpractice insurance, which is insurance against legal liability of the insured and against loss, damage or expense incidental to a claim of such liability, and including medical, hospital, surgical and funeral benefits to injured persons, irrespective of legal liability of the insured arising out of the death, injury or disablement of any person, or arising out of damage to the economic interest of any person, as the result of negligence in rendering expert, fiduciary or professional service;

(10) Entertainment insurance, which is insurance indemnifying the producer of any motion picture, television, radio, theatrical, sport, spectacle, entertainment or similar production, event or exhibition against loss from interruption, postponement or cancellation thereof due to death, accidental injury or sickness of performers, participants, directors or other principals;

(11) Mine subsidence insurance as provided for in article thirty of this chapter;

(12) Miscellaneous insurance, which is insurance against any other kind of loss, damage or liability properly a subject of insurance and not within any other kind of insurance as defined in this chapter, if such insurance is not disapproved by the commissioner as being contrary to law or public policy; and

(13) Federal flood insurance, which is insurance provided by the federal insurance administration or by private insurers through the write your own program within the national flood insurance program, instituted by the federal insurance administration pursuant to the provision of 42 U.S.C. §4071, on real or personal property of every kind and interest therein, against loss or damage from flood or mudslide and against loss consequential to such loss or damage, other than noncontractual liability for any loss or damage.

(14) Workers' compensation insurance, which is insurance providing all compensation and benefits required by chapter ~~twenty three~~ 23 of this code.

(f) *Surety*. — Surety insurance includes:

(1) Fidelity insurance, which is insurance guaranteeing the fidelity of persons holding positions of public or private trust;

(2) Insurance guaranteeing the performance of contracts, other than insurance policies, and guaranteeing and executing bonds, undertakings and contracts of surety ship: *Provided*, That surety insurance does not include the guaranteeing and executing of bonds by ~~professional bondsmen in criminal cases or~~ by individuals not in the business of becoming a surety for compensation upon bonds;

(3) Insurance indemnifying banks, bankers, brokers, financial or moneyed corporations or associations against loss, resulting from any cause, of bills of exchange, notes, bonds, securities, evidences of debt, deeds, mortgages, warehouse receipts or other valuable papers, documents, money, precious metals and articles

made therefrom, jewelry, watches, necklaces, bracelets, gems, precious and semiprecious stones, including any loss while they are being transported in armored motor vehicles or by messenger, but not including any other risks of transportation or navigation, and also insurance against loss or damage to such an insured's premises or to his or her furnishings, fixtures, equipment, safes and vaults therein, caused by burglary, robbery, theft, vandalism or malicious mischief, or any attempt to commit such crimes; and

(4) Title insurance, which is insurance of owners of property or others having an interest therein, or liens or encumbrances thereon, against loss by encumbrance, defective title, invalidity or adverse claim to title.

## **CHAPTER 51. COURTS AND THEIR OFFICERS**

### **ARTICLE 10. PROFESSIONAL BONDSMEN IN CRIMINAL CASES.**

#### **§51-10-1. DEFINITIONS.**

When used in this article:

‘Approved securities’ means cash, irrevocable letter of credit, a bond issued by an insurance company licensed and in good standing in this state, or a qualified power of attorney issued by an insurer pursuant to a producer underwriting agreement, or real estate located in in this state that is unencumbered in, at least, the amount of minimum financial responsibility required as set forth by the insurance commissioner: Provided, That a pledge of real estate by a bondsman as an approved security shall not be permitted on or after July 1, 2023: Provided, however, That a bondsman who is licensed by the commissioner as of July 1, 2023 and has pledged real estate as security to conduct bonding business may continue to operate as a bondsman until his or her license is voluntarily surrendered or revoked by the commissioner.

(4) ‘Bonding business’ means the business of becoming surety for compensation upon bonds in criminal cases in the State of West Virginia;

(2) 'Bondsman' means ~~(A) any person engaged in the bonding business that has satisfied the requirements for, and is duly licensed as, an insurance producer with a property and casualty line of authority as set forth by the Insurance Commissioner and §33-12-1, *et seq.* of this code; or (B) any person who is approved and licensed under the provisions of this article who pledges cash or approved securities with the commissioner as security for bail bonds written in connection with a judicial proceeding and receives or is promised money or other things of value for the pledge;~~

(3) 'Commissioner' means the Insurance Commissioner of West Virginia, as defined in §33-1-5 of this code; and

(4) 'Insurer' means any domestic, foreign, or alien person, including a surety company, which has been qualified generally to transact surety business in the State of West Virginia.

**§51-10-8. Qualifications of bondsmen; rules to be prescribed by Insurance Commissioner; bondsman filing requirements; bondsman license renewal requirements; criminal penalty for filing false affidavit; list of bondsmen kept and provided to places of detention by Insurance Commissioner; requiring all bondsman to be licensed by Insurance Commissioner after July 1, 2022.**

(a) The commissioner shall promulgate and propose legislative rules for promulgation under §29A-3-1, *et seq.* of this code, to carry out the intent, administration, and enforcement of this article. The commissioner may promulgate any emergency rules under §29A-3-15 of this code necessary to carry out the intent, administration, and enforcement of this article. The commissioner shall develop all forms, contracts, or other documents to be used for the purposes outlined in this article.

(b) The rules required by subsection (a) of this section shall specify the qualifications that a person must have when applying to be a bondsman, and the terms and conditions upon which the bonding business may be conducted. The commissioner shall require a biennial fee of \$200 for all bondsman licensed under this article.



(c) The commissioner, in promulgating and proposing rules required by subsection (a) of this section, and in granting a license to a person to engage in the bonding business, shall take into consideration both the financial responsibility and the moral qualities of the person applying, and a person who has been convicted of any offense involving moral turpitude, or who is not known to be a person of good moral character ~~shall~~ may not be licensed.

(d) The applicant shall provide the commissioner a qualifying power-of-attorney from a licensed insurer or surety company or pledge cash or approved securities with the commissioner as security for bail bonds.

(e) The applicant shall comply with the provisions of §33-12-37 of this code regarding criminal history record checks.

(f) The commissioner shall require every bondsman licensed to engage in the bonding business as a principal to file with the commissioner a list showing the name, age, and residence of each person employed by the bondsman as an agent, clerk, or representative in the bonding business, and require an affidavit from each of the persons stating that the person will abide by the terms and provisions of this article.

(g) The commissioner shall formulate testing and continuing education requirements for all applicants and license renewals.

~~(g)~~ (h) (1) The commissioner shall require a person licensed as a bondsman to renew his or her license every two years and to file an affidavit stating that since his or her previous license to engage in the bonding business he or she has abided by the provisions of this article.

(2) A person who files a false affidavit is guilty of false swearing and, upon conviction thereof, shall be punished as provided by law for the offense.

~~(3) A person seeking to renew his or her license to engage in the bonding business shall submit to the property and casualty requirements under section (d) of this section for each renewal,~~

~~unless he or she has voluntarily terminated his or her license to engage in the bonding business~~

(h) (i) The commissioner shall keep a list of all bondsmen and, upon the request of a place of detention listed under §51-10-6 of this code, furnish an alphabetical list of all licensed bondsmen to the jail.

(j) After July 1, 2022, a person ~~shall~~ may not, either as principal, or as agent, clerk, or representative of an agent, engage in the bonding business unless licensed by the commissioner under this section.”

The bill was then ordered to engrossment and third reading.

**H. B. 2899**, Repealing two sections of code relating to gas utility rates; on second reading, coming up in regular order, was read a second time.

Delegate Fluharty moved to amend the bill, on page 1, on page 1, following the Article 2B Section heading, by striking out the remainder of the bill and inserting in lieu thereof, the following:

**“§24-2B-1. TEMPORARY SUSPENSION OF RATE INCREASES.**

Pursuant to the findings contained in subsections (h) and (i) of section one, article one of this chapter and in order to permit the Public Service Commission ~~to implement the provisions of Enrolled Committee Substitute for S.B. 117 enacted by the Legislature during the regular session thereof in the year one thousand nine hundred eighty-three~~ and notwithstanding any other provision of this chapter, upon the effective date of this article, as enacted during the 2023 Regular Session of the Legislature, the commission shall authorize no increase of rates charged by any utility for natural gas or electricity to any customer of any class for a period of twelve months. With respect to cases for rate increases which are pending before the commission on the effective date of this section, such cases may be suspended by the commission and held in abeyance by the commission during the pendency of the period of suspension mandated by this section or any such cases

may proceed to completion and the commission may rule thereon upon the same to the same extent as if this section had not been enacted, all within the sound discretion of the commission.

~~The commission may authorize such gas rate increases during the period of suspension of rate increases mandated by this section as it may deem proper by reason of increased costs of purchased gas. The commission may consider in determining whether to authorize such rate increases the purchase and use of West Virginia gas or electricity by such utilities if such gas or electricity were available at a cheaper rate than other gas or electricity actually purchased by such utilities~~

**§24-2B-2. Emergency rate increase; financial hardship procedure.**

During the period of temporary suspension of rates generally, as provided herein, the commission may upon petition by a utility allow an emergency rate to take effect, subject to future modification by the commission and subject to refund to the customers of such utility, if it is determined that such emergency rate is necessary to protect the utility from extreme financial hardship and if that financial hardship is attributable solely to the temporary suspension of rate increases. The commission shall provide by rule and regulation criteria for determination of extreme financial hardship within the meaning of this section. Such petition shall be subject to the same notice requirements as set forth in article two, section four-a of this chapter.”

Delegate Householder arose to inquire of the Chair regarding the germaneness of the amendment.

The Speaker ruled that the amendment was not germane.

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 3111**, Creating Infrastructure Ready Jurisdictions; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3199**, Relating to removing the requirement that an ectopic pregnancy be reported; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Householder, and by unanimous consent, the bill was postponed one day.

**H. B. 3268**, Add protections for WV residents who reside out of state for certain time periods from non-renewal of licenses and registration; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3306**, Relating to the organizational structure of the Office of Drug Control Policy; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3307**, Establishing the West Virginia-Ireland Trade Commission; 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 H. B. 2005**, Establishing the dual enrollment pilot program to be administered by the Higher Education Policy Commission and the Council for Community and Technical College Education in conjunction with the State Board of Education,

**Com. Sub. for H. B. 2006**, Relating to reorganizing the Department of Health and Human Resources,

**H. B. 2309**, To require the Division of Forestry to create an online renewal process no later than July 1, 2023,

**Com. Sub. for H. B. 2540**, Travel Insurance Model Act,

**Com. Sub. for H. B. 2605**, Relating to Good Samaritan law,

**Com. Sub. for H. B. 2817**, Relating to Public Service Commission jurisdiction over alternative fuel for motor vehicles,

**Com. Sub. for H. B. 3044**, Relating to the annual fee for limited video lottery terminal permits,

**Com. Sub. for H. B. 3098**, To eliminate the WV General Summative Assessment and replace it with a formative assessment given three times a year,

**Com. Sub. for H. B. 3113**, Requiring high school students to complete course of study in personal finance,

**Com. Sub. for H. B. 3122**, Permitting certain types of rifles using an encapsulated propellant charge that loads from the breech,

**Com. Sub. for H. B. 3210**, Relating to the performance of installation of propane gas systems,

**Com. Sub. for H. B. 3261**, Relating to Social Workers Qualifications,

**H. B. 3272**, Relating to the operation of private trust companies in West Virginia,

**Com. Sub. for H. B. 3302**, To recognize unborn child as distinct victim in a DUI causing death,

**Com. Sub. for H. B. 3311**, Relating to wine alcohol by volume as compared to beer,

And,

**Com. Sub. for H. B. 3318**, Relating to location of services provided by the Workforce Development Board as related to the one-stop delivery system.

### **Leaves of Absence**

At the request of Delegate Householder, and by unanimous consent, leaves of absence for the day were granted Delegates Bridges, Clark, Ellington, Jeffries, McGeehan and E. Pritt.

### **Miscellaneous Business**

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

**H. B. 2030:** Delegates Fluharty, Garcia, Griffith, Hansen, Pushkin, Rowe, Skaff, Walker, Williams and Young;

**H. B. 2202:** Delegate Young;

**H. B. 2329:** Delegate Hillenbrand;

**H. B. 2471:** Delegates Burkhammer and Butler;

**H. B. 2821:** Delegate Storch;

**H. B. 2881:** Delegate Espinosa;

**H. B. 3014:** Delegate Ward;

**H. B. 3202:** Delegate Holstein;

**H. B. 3214:** Delegates Storch and Young;

And,

**H. B. 3305:** Delegate Young.

Pursuant to House Rule 94b, a form was filed with the Clerk's Office to be removed as a cosponsor of the following:

**H. B. 2542:** Delegate Nestor.

At 12:25 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, February 13, 2023.

---

Monday, February 13, 2023

**THIRTY-FOURTH 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 Friday, February 10, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

**H. B. 3271**, Relating to increasing monitoring of special education classrooms,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 3271) was referred to the Committee on the Judiciary.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

**H. B. 3218**, To require suicide prevention resources be printed on student identification cards at any school that issues identification cards for students in grades 6-12 in public schools

and for students in a public or private institution of higher education,

And,

**S. B. 275**, Adding State Fire Marshals to statute included with law enforcement and first responders that receive information on school safety requirements,

And reports the same back with the recommendation that they each do pass.

Delegate Howell, Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

**H. B. 3215**, Relating to land use,

And reports the same back with the recommendation that it do pass.

Delegate Howell, Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

**H. B. 3328**, Authorizing the Hatfield-McCoy Regional Recreation Authority to contract to build and maintain trails on privately owned property,

And reports the same back with the recommendation that it do pass.

Delegate Howell, Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:



Your Committee on Economic Development and Tourism has had under consideration:

**H. B. 3093**, Creating a tax credit against the corporate net income tax for companies paying moving expenses of employees to West Virginia,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 3093) was referred to the Committee on Finance.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 3133**, Create a credit against the severance tax to encourage private companies to make infrastructure improvements to highways, roads and bridges in this state,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 3133) was referred to the Committee on Finance.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2801**, Relating to Social Media privacy and educational institutions,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2801) was referred to the Committee on the Judiciary.

### **Messages from the Senate**

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. 2602**, Reestablishing certain specialized school service personnel classifications.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 234** - “A Bill to amend and reenact §3-2-6 of the Code of West Virginia, 1931, as amended, relating to clarifying the uniform statewide deadline for electronically submitted voter registration applications”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2023, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 250** - “A Bill to amend and reenact §17B-2-3a of the Code of West Virginia, 1931, as amended, relating to require certain drivers in the graduated driver’s license program to display a student driver sign; specifying sign requirement; authorizing Division of Motor Vehicles to distribute and provide information on signs; making violators subject to penalties; and providing for limited court-related cost and fee exemption”; which was referred to the Committee on Technology and Infrastructure.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 302** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-15-1, relating to the creation of the Law Enforcement Safety Act; and requiring West Virginia law-enforcement agencies to index felony warrants with the National Crime Information Center (NCIC)”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 484** - “A Bill to amend the Code of West Virginia, 1931, as amended; and by adding thereto a new section designated §61-10-35, relating to creating the criminal offense of human smuggling; defining terms; clarifying that each person smuggled constitutes a separate offense; acknowledging prohibition against police action based on race or ethnic origin; and establishing criminal penalties”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 490** - “A Bill to amend the Code of West Virginia 1931, as amended, by adding thereto a new section, designated §61-5-17a, relating to creating the offense of knowingly and willfully obstructing a law enforcement officer, probation officer, parole officer, courthouse security officer, correctional officer, the State Fire Marshal, a deputy or assistant fire marshal, firefighter, or emergency medical service personnel engaged in their official duties and thereby proximately causing the death of

the person acting in his or her official capacity; and establishing the penalty therefor”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 493** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-23, relating to the development of an incentive plan for West Virginia veterans which includes reductions and discounts in fees and charges at state parks”; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 515** - “A Bill to amend and reenact §59-1-2a of the Code of West Virginia, 1931, as amended, relating to clarifying the deadline to file an annual report for corporations, limited partnerships, domestic limited liability partnerships, and foreign limited liability companies; permitting assessment of bad check fee for providing invalid account number; authorizing Secretary of State to waive new business registration fees at certain events; requiring disclaimers and disclosures on third party, nongovernment solicitations of services for filing business annual reports with the Secretary of State; and creating criminal and civil penalties for failure to comply with disclaimers and disclosure requirements”; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 529** - “A Bill to amend and reenact §47B-10-3 of the Code of West Virginia, 1931, as amended, relating to allowing for the formation of limited liability limited partnerships”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 532** - “A Bill to amend and reenact §15-12-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §49-6-609 of said code; and to amend said code by adding thereto a new section, designated §61-8-32, all relating to the crime of solicitation of a minor for purposes of sexual activity; establishing the essential element that the minor be at least four years younger than the perpetrator; providing for enhanced penalties for second and subsequent offenses; requiring registration as a sex offender for those convicted of the offense; requiring designation of persons convicted of the offense to be an abusive parent where factually appropriate; and establishing criminal penalties”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 533** - “A Bill to amend and reenact §19-4-1 of the Code of West Virginia, 1931, as amended, relating to limitations on motor vehicles used by nonprofit cooperative recycling associations for the collection and transportation of recyclable goods”; which was referred to the Committee on Government Organization.

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 as follows:

**S. C. R. 7** - “Amending Joint Rules of the Senate and House of Delegates.”

At the request of Delegate Householder, and by unanimous consent, reference of the resolution (S. C. R. 7) to a committee was dispensed with, and it was taken up for immediate consideration.

On motion of Delegate Householder, the resolution was amended on page one, line 17, following the word “introduced”, by changing the period to a semicolon and inserting the following: “and, be it *Further Resolved*, That this rule shall not take effect until *sine die* adjournment of the 2023 Regular Session.”

The resolution, as amended, was then adopted.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

### **Resolutions Introduced**

Resolutions were introduced and severally referred as follows:

**By Delegates Ridenour, Thorne, Mazzocchi, Kimble, Foster, Kirby, Honaker and Longanacre:**

**H. R. 13** – “Requesting an inquiry into the COVID-19 pandemic”; to the Committee on the Judiciary then Rules.

**By Delegates Summers, Toney, Mallow, Fehrenbacher, Honaker, Hite, Vance, Barnhart, Miller, W. Hall and Forsht:**

**H. C. R. 27** – “Requesting the Joint Committee on Government and Finance study all benefits of state employees to determine which benefits, if any, may be refused by an employee in exchange for a cash equivalent”; to the Committee on Workforce Development then Rules.

**By Delegates Dittman, Mazzocchi and Petitto:**

**H. C. R. 28** – “Requesting the Division of Highways name a portion of Arnett Road, approximately 250 feet from the intersection of Arnett Road and Copen Road on W V 2/4, together

with the small bridge in front of the Providence Baptist Church in Braxton County, the ‘Terra Dawn Lewis Memorial Road and Bridge’; to the Committee on Technology and Infrastructure then Rules.

**By Delegates Dillon, Dean, Linville and Ross:**

**H. C. R. 30** – “Urging that the Commissioner of Highways designate the completion of the four-lane highway from Pritchard, West Virginia, to Williamson, West Virginia, to be a high-priority project; to the Committee on Technology and Infrastructure then Rules.

**By Delegates Ross, Lucas, Dillon, Cannon, Chiarelli, Griffith, Pushkin, Adkins, Hornbuckle, Linville and Butler:**

**H. C. R. 31** – “Permitting the West Virginia Department of Tourism to proceed with procuring bids and interest in companies to place a lodge on the property of Beech Fork Lake”; to the Committee on Economic Development and Tourism then Rules.

**By Delegate Dillon:**

**H. C. R. 32** – “Requesting the Division of Highways name bridge number 30-003/05-014.61 (30A290), (37.89328, -82.23771) locally known as Big Rock Beam Span, carrying CR 03/05 over WEST FK TWELVEPOLE CK in Mingo County, the ‘Albert “Ab” Baisden Memorial Bridge’; to the Committee on Technology and Infrastructure then Rules.

**By Delegates Skaff, Pushkin and Fluharty:**

**H. C. R. 33** – “Requesting the Division of Highways name a bridge bearing the Bridge Number: 20-N14/80-000.1 (20A928), (38.36406,-81.69170) locally known as CENTRAL AVENUE OVERPASS, carrying City N14/80 over CSX RR & FIRST AVENUE in Kanawha County, as the ‘Lt. Col. Mitchell M. Mickel Memorial Bridge’; to the Committee on Technology and Infrastructure then Rules.

**By Delegates Hite, Horst, Reynolds, Storch, Hanna, Willis and Barnhart:**

**H. C. R. 34** – “Requesting the Division of Highways name a bridge bearing the bridge number 02-010/01-001.07 (02A167) in Berkeley County, as the ‘William N. “Shug” Kisner Memorial Bridge”; to the Committee on Technology and Infrastructure then Rules.

**By Delegate Young:**

**H. C. R. 35** – “Declaring the Guyandotte River Crayfish (*Cambarus veteranus*) the official crustacean for the State of West Virginia”; to the Committee on Agriculture and Natural Resources then Rules.

On motion for leave, a Joint Resolution was introduced and referred as follows:

**By Delegate Forsht:**

**H. J. R. 26** – “Proposing an amendment to the Constitution of the State of West Virginia amending section eighteen, article VI, section nineteen, article VI, section twenty-two, article VI, and section twenty-three, article VI thereof relating to facilitating the Legislature's ability to call itself to assemble, requiring that the interim schedule be set during the regular legislative session, adding a limitation of 75 total days for the legislative session, providing that the Legislature may convene itself if the Governor were to refuse to issue a proclamation to convene the Legislature with a 2/3 vote in favor of doing so when the safety and welfare of the people require it, providing for adjournment; numbering and designating such proposed amendment; and providing a summarized statement of such proposed amendment”; to the Committee on the Judiciary.

At the respective requests of Delegate Householder, and by unanimous consent, reference of the following resolution to a committee was dispensed with, and it was taken up for immediate consideration, and adopted:



**By Delegate Hanshaw (Mr. Speaker):**

**H. C. R. 29** – “Amending joint rules of the Senate and House of Delegates.”

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Bills Introduced**

On motions for leave, bills were introduced and severally referred as follows:

**By Delegates Ellington, Statler and Toney:**

**H. B. 3371** - “A Bill to amend and reenact §18-10-3 of the Code of West Virginia, 1931, as amended, relating to federal funds for land-grant institutions”; to the Committee on Education then Finance.

**By Delegates Young, Shamblin, W. Hall, Skaff, Capito, Pushkin and Ferrell:**

**H. B. 3372** - “A Bill to amend and reenact §19-4-1 of the Code of West Virginia, 1931, as amended, relating to limitations on motor vehicles used by nonprofit cooperative recycling associations for the collection and transportation of recyclable goods”; to the Committee on Government Organization.

**By Delegate Young:**

**H. B. 3373** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-10-1, §49-10-2, and §49-10-3, all relating to designation of social workers in the Department of Health and Human Resources to promote better student school attendance and performance, and the health and well-being of students at home; duties described”; to the Committee on Education.

**By Delegate Capito:**

**H. B. 3374** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18b-10-7e, relating to waivers from tuition and other costs and fees for certain resident veterans and their resident dependents; limiting

waivers to 150 cumulative credit hours; requiring application and evidence to support entitlement to waiver; limiting application of other veteran tuition benefits; exception for certain institutions of higher education for extraordinary costs associated with a particular course; mandating reporting requirements, and promulgation of rules”; to the Committee on Education then Finance.

**By Delegates E. Pritt, Walker, Hornbuckle, Pushkin, Young, Hansen, Garcia, Williams and Fluharty:**

**H. B. 3375** - “A Bill to amend and reenact §18-2-43 of the Code of West Virginia, 1931, as amended, relating to additional disciplinary issues to be addressed by the Department of Education; reports to the Legislative Oversight Commission on Education Accountability; and data of the Department of Education dashboard for public access”; to the Committee on Education.

**By Delegates Ellington, Statler and Toney:**

**H. B. 3376** - “A Bill to amend and reenact §18A-3-1c and §18A-3-2a of the Code of West Virginia, 1931, as amended, relating to changing the term teacher in residence to clinical teacher of record”; to the Committee on Education.

**By Delegate Ellington:**

**H. B. 3377** - “A Bill to amend and reenact §11-15-3c of the Code of West Virginia, 1931, as amended, all relating to the eliminating the consumer sales and use tax on motor vehicle sales”; to the Committee on Technology and Infrastructure then Finance.

**By Delegates Horst, Chiarelli, Ross, Butler, Dean, Keaton, Heckert, McGeehan, Hite, Brooks and Dillon:**

**H. B. 3378** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-15-1, §15-15-2, §15-15-3, §15-15-4, §15-15-5, and §15-15-6, all relating to preserving and protecting the right to keep and bear arms; defining acts which constitute infringements upon the right to keep and bear arms; articulating the constitutional limits on these infringements and making findings in defense of the right; declaring all infringements under federal law or authority to be against the rights of the people and to be legally void; declaring the

duty of courts and law-enforcement agencies to protect the rights of law-abiding citizens, including the right to keep and bear arms; providing causes of action against persons who knowingly infringe upon these rights; providing for awards of specified damages, costs, and attorneys' fees; and barring the employment of certain persons by the state or its political subdivisions for infringing actions taken under color of federal law"; to the Committee on the Judiciary.

**By Delegates E. Pritt, Brooks, Kirby, Foggin, Skaff, Fast and Young:**

**H. B. 3379** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17B-3-14, relating to providing reports on mental or physical disabilities, or disorders, to the Division of Motor Vehicles to determine an individual's medical competency to retain their driver's license; and providing that this section shall be known as 'McKayla, Miranda, and Philip's Law'; to the Committee on the Judiciary.

**By Delegates Kimble, Mazzocchi, Warner, Steele and Petitto:**

**H. B. 3380** - "A Bill to amend and reenact §20-2-47 of the Code of West Virginia, 1931, as amended, relating to allowing an owner of Japanese quail (*Coturnix Quail* and *Button Quail*) to keep them as pets without having to obtain a license for a private game farm"; to the Committee on Government Organization.

**By Delegates Kimble, Riley, Kelly, Ward, Adkins, Pinson, Kirby, Heckert, Foggin, Steele and Petitto:**

**H. B. 3381** - "A Bill to amend and reenact §30-29-1, of the Code of West Virginia, 1931, as amended, and to amend and reenact §61-2-10b of said code, all relating to classifying police canine units as 'law enforcement officers' in relation to their standing as victims and the level of force able to be used in their protection"; to the Committee on the Judiciary.

**By Delegate Young:**

**H. B. 3382** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-29-1

and §11-29-2, all related to setting the standards for and providing for a childcare tax credit”; to the Committee on Finance.

**By Delegate Young:**

**H. B. 3383** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-63-1, §16-63-2, §16-63-3, §16-63-4, §16-63-5, and §16-63-6, all relating to creating the Youth Mental Health Protection Act; setting forth legislative findings; setting forth a purpose; defining terms; providing for a prohibition on conversion therapy; setting forth a prohibition for referral services for conversion therapy; and providing for disciplinary actions against providers who violate the article”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Young:**

**H. B. 3384** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-39-1, §19-39-2, §19-39-3, §19-39-4, §19-39-5, §19-39-6, and §19-39-7, all relating to the creation of the Agricultural Right to Repair Act; and promoting farmer repair choice and competition by requiring manufacturers of agriculture equipment to make available to owners and independent repair providers, on fair and reasonable terms, the documentation, parts, and tools used to diagnose, maintain, and repair such equipment”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Statler:**

**H. B. 3385** - “A Bill to amend and reenact §46B-2-1 of the Code of West Virginia, 1931, as amended, relating to eliminating the maximum fair market value limit for any single item which is the subject of a rent-to-own agreement of consumer goods”; to the Committee on the Judiciary.

**By Delegates Kimble, Mazzocchi, Kelly, Jeffries, Phillips, Hanshaw (Mr. Speaker), Capito, McGeehan, Horst, Kirby and Warner:**

**H. B. 3386** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §18C-10-1, relating to creating the West Virginia National Merit Scholarship

Program; setting forth definitions; defining powers and duties of the West Virginia Higher Education Policy Commission; establishing requirements; authorizing rulemaking; and creating special revenue fund”; to the Committee on Education then Finance.

**By Delegates Hardy, Storch and Westfall:**

**H. B. 3387** - “A Bill to amend and reenact §7-18-13a of the Code of West Virginia, 1931, as amended, relating to extending the moratorium on the authorization of new convention and visitors bureaus for an additional two years and clarifying when and how a new convention and visitors bureau can qualify for a distribution of the hotel occupancy tax proceeds”; to the Committee on Economic Development and Tourism.

**By Delegate Summers:**

**H. B. 3388** - “A Bill to amend the code of West Virginia, 1931, as amended, by adding thereto a new article, designated, §11-13MM-1, §11-13MM-2, and §11-13MM-3; and to amend and reenact §30-1-10 of said code, all relating to creating the health care professionals preceptor tax credit; providing for legislative findings and a purpose; providing for definitions; establishing the Health Care Professionals Preceptor Tax Credit; and providing for the creation of a special fund”; to the Committee on Health and Human Resources then Finance.

**By Delegate Westfall:**

**H. B. 3389** - “A Bill to amend and reenact §11-22-2 of the Code of West Virginia, 1931, as amended, relating to allocating a percentage of county excise taxes received from transfers of title to real estate in each county for funding improvements to election administration, infrastructure, and physical and cyber security; allocating a percentage of county excise taxes received from transfers of title to real estate in each county for funding other county purposes including, but not limited to, compliance with the Uniform Real Property Electronic Recording Act; authorizing the Secretary of State to promulgate legislative rules establishing minimum adequate funding thresholds and standards based on county classification for improving election administration, infrastructure, and security; and authorizing county clerks to

reallocate the excess portion of funding for improving election administration, infrastructure, and security to other approved county purposes upon determination by the Secretary of State that the minimum funding thresholds and standards have been met”; to the Committee on Finance.

**By Delegate Walker:**

**H. B. 3390** - “A Bill to amend and reenact §18-16-2 of the Code of West Virginia, 1931, as amended, relating to the Antihazing Law; modifying the definition of hazing to address any type of organization whose members include students at any public or private institution of higher education”; to the Committee on Education.

**By Delegates Householder and Gearheart:**

**H. B. 3391** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-3-25b; and to amend and reenact §11-10A-19 of said code, all relating to appeals to the Office of Tax Appeals; establishing filing deadlines for appeals of property tax valuations and issues involving property tax classification and taxability to the West Virginia Office of Tax Appeals, providing that appeal petitions of property tax issues to the West Virginia Office of Tax Appeals shall be heard de novo, providing a time frame for hearings before the Office of Tax Appeals regarding property tax matters, clarifying that the Intermediate Court of Appeals has jurisdiction to hear appeals from a final decision of a property tax matter by the Office of Tax Appeals, and clarifying that further appeals are to the Supreme Court of Appeals”; to the Committee on Finance.

**By Delegates Skaff, Clark, Williams, Howell, Garcia and Linville:**

**H. B. 3392** - “A Bill to amend and reenact §5B-2-3b of the Code of West Virginia, 1931, as amended, relating to dedication of \$30 million of any budget surplus at the end of the fiscal year to the Development Office Promotion and Closing Fund”; to the Committee on Economic Development and Tourism then Finance.

**By Delegates Holstein and Mazzocchi:**

**H. B. 3393** - “A Bill to amend and reenact §3-3-5 of the Code of West Virginia, 1931, as amended, relating to absentee ballots; requiring applications for absentee ballots to be available at the office of the county clerk and online at the Secretary of State’s official website; permitting first responders to vote by electronic absentee ballot in certain emergency circumstances; defining ‘qualified first responder’ and providing examples; providing for submittal and acceptance of qualified first responder absentee voting applications; providing for transmittal of ballots to qualified first responders; providing for processing of received electronic absentee ballots cast by qualified first responders; prohibiting an election official from providing an unsolicited application for absentee voting to any voter; prohibiting any person from providing more than 10 unsolicited applications for absentee voting to any voter; creating a misdemeanor penalty upon conviction for such prohibited activity; and providing exceptions”; to the Committee on the Judiciary.

**By Delegates Holstein and Pinson:**

**H. B. 3394** - “A Bill to amend and reenact §3-4A-8 of the Code of West Virginia, 1931, as amended, relating to electronic voting systems; and requiring that any system acquired after January 1, 2028, shall be manufactured in the United States with all components sourced in the United States and all labor to assembly performed in the United States”; to the Committee on the Judiciary.

**By Delegates Holstein, Rohrbach, Mazzocchi, Capito, Steele, Householder, Linville, Fast and Hornby:**

**H. B. 3395** - “A Bill to amend and reenact §31-2A-2 of the Code of West Virginia, 1931, as amended, relating to requiring railroad companies to provide alternative entry and exit ways in certain circumstances”; to the Committee on Technology and Infrastructure.

**By Delegates Hanshaw (Mr. Speaker) and Skaff  
[By Request of the Executive]:**

**H. B. 3396** - “A Bill supplementing, amending, and increasing existing items of appropriation from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017,

fiscal year 2023, organization 0803, for the fiscal year ending June 30, 2023”; to the Committee on Finance.

**By Delegate Linville:**

**H. B. 3397** - “A Bill to amend the Code of West Virginia, 1931, as amended; by adding thereto a new section designated as §31G-6-3, all relating to broadband and political subdivisions generally; pre-empting all restrictions on any political subdivision regarding the formation or establishment of any entity which would seek to provide or assist in providing broadband service; permitting political subdivisions may form subordinate entities which can provide or assist in providing broadband service; providing that a grantee who, by action or inaction, causes Federal funds to be returned shall hold the state harmless, and shall make commensurate reimbursement to the state; providing that a political subdivision of this state, which has received infrastructure grant money to fund a project, shall reimburse the infrastructure fund if the project is thereafter sold, granted, convey, or otherwise alienated”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate McGeehan:**

**H. B. 3398** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §10-3B-1, §10-3B-2, §10-3B-3, §10-3B-4, §10-3B-5, and §10-3B-6, all relating to the establishment of the West Virginia Memorial to Fallen Heroes of the Global War on Terrorism”; to the Committee on Government Organization.

**By Delegates Howell, Martin, Young and Miller:**

**H. B. 3399** - “A Bill to amend and reenact §11-21-97 of the Code of West Virginia, 1931, as amended, and to amend and reenact §11-24-44 of said code, all relating to increasing tax credit for employers providing child care for employees”; to the Committee on Finance.

**By Delegates Horst, Householder, Hardy, Phillips, Mallow, Summers, Foster, Espinosa, Ward, Howell and Kimble:**

**H. B. 3400** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5A-13-1



and §5A-13-2, all relating to creating the Firearms Industry Nondiscrimination Act; providing definitions; specifying applicability, prohibiting state contracts without written verification of compliance; and providing exceptions”; to the Committee on the Judiciary.

**By Delegates Espinosa, Ridenour, Hardy and Hornby:**

**H. B. 3401** - “A Bill to amend and reenact §17C-5-1 of the Code of West Virginia, 1931, as amended, relating to clarifying the offense of vehicular homicide by adding two categories; adding the termination of a pregnancy as an offense of simple negligent homicide; and increasing the penalty for gross negligent homicide”; to the Committee on the Judiciary.

**By Delegates Foster, Brooks, Phillips, Steele, Fast, Maynor, Barnhart and Kirby:**

**H. B. 3402** - “A Bill to amend and reenact §51-1-17 of the Code of West Virginia, 1931, as amended, relating to requiring a report of the statements of charges against a judge in this state made by Judicial Investigation Commission and the Office of Disciplinary Counsel to be sent, annually, to the Legislature's Joint Committee on the Judiciary”; to the Committee on the Judiciary.

**By Delegates Howell, Fehrenbacher, Martin, Young, Criss, Miller and Storch:**

**H. B. 3403** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-98; and to amend said code by adding thereto a new section, designated §11-24-45, all relating to providing a tax credit against the state corporate net income tax and the state personal income tax for expenditures related to the operation of existing employer-provided or sponsored childcare facilities; defining terms; providing for rulemaking; setting the amount of the credit; providing for limitation of the credit; providing for transferrable credit available to non-profit corporations; and providing for a recapture process”; to the Committee on Economic Development and Tourism then Finance.

**By Delegate Foster:**

**H. B. 3404** - “A Bill to amend and reenact §11-1A-10 of the Code of West Virginia, 1931, as amended, relating to requiring that land assessed as farm property in West Virginia for taxation purposes be assessed at the regular rate of taxation for the preceding three years after the sale of the property for development”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegate Foster:**

**H. B. 3405** - “A Bill to amend and reenact §48-27-505 of the Code of West Virginia, 1931, as amended, relating to changing the time period of a protective order extension to one year”; to the Committee on the Judiciary.

**By Delegate Cannon:**

**H. B. 3406** - “A Bill to amend and reenact §3-5-1 and §3-5-3 of the Code of West Virginia, 1931, as amended, relating to providing for a presidential preference primary election in presidential election years to be held on the second Tuesday of February; conducting; providing for administration of presidential primary elections; and providing for rulemaking authority by the Secretary of State”; to the Committee on the Judiciary.

**By Delegates Cannon, Linville, Hardy, Clark, Riley and Barnhart:**

**H. B. 3407** - “A Bill to amend and reenact §3-8-5c of the Code of West Virginia, 1931, as amended, relating to elections; and increasing the maximum contribution limitation in an election cycle”; to the Committee on the Judiciary.

**By Delegate Ellington:**

**H. B. 3408** - “A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto two new sections, designated §18-8-1b and §18-8-1c; to amend and reenact §18-9A-25 of said code; to amend and reenact §18-31-2, §18-31-3, §18-31-4, §18-31-5, §18-31-6, §18-31-7, §18-31-8, §18-31-9, §18-31-10, and §18-31-11 of said code; and to amend said code by adding thereto a new section, designated §18-31-2a, all relating generally to nonpublic kindergarten,

elementary, and secondary school education; reorganizing provisions related to exemptions from compulsory public school attendance; removing participation in the Hope Scholarship Program as a standalone exemption to compulsory school attendance; relocating requirements for students receiving home instruction to a new section of the code; clarifying terms relating to home school students; relocating requirements for students attending a learning pod or microschool to a new section of the code; providing that learning pod and microschool students have the same educational rights and privileges as home school students; establishing the method of calculating the annual Hope Scholarship Program appropriation; providing that students exempt from compulsory school attendance and participating in nonpublic educational programs may participate in the Hope Scholarship Program if other eligibility requirements are met; defining terms; establishing eligibility requirements for the Hope Scholarship Program; setting forth procedure for notice of Hope Scholarship Program participation to county superintendents; requiring county superintendents to enter certain information into the state's educational information system; permitting the State Treasurer to appear by designee at Hope Scholarship Board meetings; providing the State Treasurer's Office with rulemaking authority; clarifying that all records containing personally identifying information of a Hope Scholarship student, applicant, or parent are confidential and not subject to disclosure pursuant to the West Virginia Freedom of Information Act; establishing qualifying expenses under the Hope Scholarship Act; establishing frequency of standardized testing and portfolio submission requirements for certain Hope Scholarship students; requiring Hope Scholarship students to meet all standardized testing and portfolio requirements for his or her exemption from compulsory school attendance as a condition of scholarship renewal; requiring the board to maintain and publish a list of all education service providers; authorizing the board to contract with independent auditors to complete Hope Scholarship Program audits; clarifying the board's rulemaking authority with regard to certain functions, requiring education service providers to submit required criminal background screening results to the board; and clarifying that education service providers may not

asses students additional tuition or fees based on participation in the Hope Scholarship Program”; to the Committee on Education.

**By Delegate Criss:**

**H. B. 3409** - “A Bill to amend and reenact §11-13S-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-13Y-5 of said code, all relating to authorizing application of the manufacturing investment tax credit and the manufacturing property tax adjustment credit against personal income tax; defining terms; deleting superannuated language; specifying application of tax credit; specifying effective date; and making stylistic revisions”; to the Committee on Finance.

**By Delegate Hornbuckle:**

**H. B. 3410** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-44, relating to requiring public high schools to have full-time athletic trainers”; to the Committee on Education then Finance.

**By Delegate Hornbuckle:**

**H. B. 3411** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-44; to amend said code by adding thereto a new section, designated §18-5-50; and to amend said code by adding thereto a new article, designated §18C-10-1, §18C-10-2, §18C-10-3, §18C-10-4, and §18C-10-5, all relating to creating a statewide initiative to promote teacher preparation programs aimed at underrepresented groups; providing that the West Virginia State Board of Education will create an initiative for this purpose; providing that county boards of education in this state will create initiatives for this purpose; establishing a scholarship fund and providing for funding; providing for definitions; setting forth criteria for the scholarship; and enacting the scholarship”; to the Committee on Education then Finance.

**By Delegate Linville:**

**H. B. 3412** - “A Bill to amend and reenact §31G-1A-7 of the Code of the West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §31G-7-1, §31G-7-2 §31G-7-3 and §31G-7-4, all relating to certain provisions

relating to broadband; adding certain provisions to the administration of the Broadband Development Fund, including regulating the disposal of grant funded assets; relating to defining eligible telecommunications carriers; defining the status of such; and providing for penalties where misrepresentation of eligible telecommunications carrier status occurs”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate Hornbuckle:**

**H. B. 3413** - “A Bill to amend and reenact §18A-4-2 of the Code of West Virginia, 1931, as amended, relating to raising the number of years of service where teachers stop getting raises from 35 to 40”; to the Committee on Education then Finance.

**By Delegate Westfall:**

**H. B. 3414** - “A Bill to amend and reenact §29-12-1, §29-12-2, §29-12-4, §29-12-5a, and §29-12-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-12A-5 of said code, all relating to the state’s procurement of insurance protection and the limitation of damages available for claims against schools related to abuse”; to the Committee on Education then the Judiciary.

**By Delegate Young:**

**H. B. 3415** - “A Bill to amend and reenact §5-11B-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §16-4G-1, §16-4G-2, §16-4G-3, §16-4G-4, §16-4G-5, §16-4G-6, §16-4G-7 §16-4G-8, and §16-4G-9; and to amend said code by adding thereto a new article, designated §21-5J-1, §21-5J-2, §21-5J-3, §21-5J-4, §21-5J-5, §21-5J-6, §21-5J-7, §21-5J-8, §21-5J-9, and §21-5J-10, all relating to requiring the West Virginia Division of Labor to notify all employers that the Pregnant Workers' Fairness Act is in place; to require that the West Virginia Division of Labor to conduct public education campaigns about the Pregnant Workers' Fairness Act; listing legislative findings regarding pregnancy and post-pregnancy care; creating a short title; listing definitions; establishing the Housing for Moms Grant program; requiring a report from the Department of Health and Human Resources regarding transportation and barriers to care; requiring respectful

maternity care training for all employees providing prenatal, labor, and postpartum care; requiring the Department of Health and Human Resources Bureau for Public Health to establish a program to award grants to eligible entities to educate the public and health care providers about maternal mental health conditions and establishing parameters for those grants; expanding nutritional assistance; establishing the Paid Parental Leave Pilot Program; establishing the Paid Parental Leave Fund and setting disbursement qualifications for that fund; expanding access to family planning care; establishing the requiring employers to continue to provide group health care coverage as long as the employee continues to pay the premiums for this coverage; providing for an employer survey for the Paid Parental Leave Pilot Program; establishing a performance review date for the Paid Parental Leave Pilot Program; establishing rulemaking for the Paid Parental Leave Pilot Program; and providing a sunset date for the Paid Parental Leave Pilot Program”; to the Committee on Health and Human Resources then Finance.

**By Delegate Hornbuckle:**

**H. B. 3416** - “A Bill to amend and reenact §18A-4-2 of the Code of West Virginia, 1931, as amended, all relating to raising the state minimum salary for teachers to”; to the Committee on Education then Finance.

**By Delegate Howell:**

**H. B. 3417** - “A Bill to amend and reenact §18B-3D-6 of the Code of West Virginia, 1931, as amended, relating to creating a three-year pilot program to include Potomac State College of West Virginia University as an eligible institution for participation in the ‘Learn and Earn Program’”; to the Committee on Economic Development and Tourism.

**By Delegate C. Pritt:**

**H. B. 3418** - “A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to expungement of criminal offenses; clarifying that certain offenses are eligible for expungement, subject to other restrictions of this section”; to the Committee on the Judiciary.

**By Delegate Pushkin:**

**H. B. 3419** - “A Bill to amend and reenact §18-10Q-2 and §18-10Q-3, of the Code of West Virginia, 1931, as amended; and to repeal §18-10Q-4, and §18-10Q-5 of said code; and to amend and reenact §21-5C-1 of said code, all relating to wages of persons with disabilities; initiating a State ‘Employment First Policy’ to facilitate integrated employment of disabled persons; providing legislative findings; establishing a taskforce to develop a State Employment First Policy; providing for implementation of the State Employment First Policy; and removing the exemption from paying minimum wages to disabled persons working in nonprofit workshops”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Young:**

**H. B. 3420** - “A Bill to amend and reenact §7-4-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §15-9B-1 of said code; and to amend and reenact §61-8B-16 of said code, all relating to the reimbursement of sexual assault forensic medical examinations; setting the rate of reimbursement; and providing for an annual report to the Legislative Oversight Commission on Health and Human Resource Accountability estimating the sustainability of the Forensic Medical Examination Fund”; to the Committee on the Judiciary then Finance.

**By Delegate Hanshaw (Mr. Speaker):**

**H. B. 3421** - “A Bill to amend and reenact §8-12-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-13-5 of said code; to amend and reenact §12-7-12 of said code; to amend and reenact §16-5V-2 of said code; to amend and reenact §18-8-1a of said code; to amend and reenact §18A-3-2a, of said code; to amend and reenact §21-5-1 of said code; to amend and reenact §22C-9-4 of said code; to amend and reenact §24-2-1 of said code; to amend and reenact §24A-2-2b of said code; to amend and reenact §29-6-4 of said code; to amend and reenact §46A-8-101 of said code; to amend and reenact §61-12-3 of said code; all relating to recodifying portions of the code to eliminate conflicts”; to the Committee on the Judiciary.

**By Delegate Dittman:**

**H. B. 3422** - “A Bill to amend and reenact §21-5F-2 and §21-5F-3 of the Code of West Virginia, 1931, as amended, all relating to adding nursing homes to the nurses’ overtime limitation”; to the Committee on Health and Human Resources.

**By Delegate Young:**

**H. B. 3423** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §24-2B-1 and §24-2B-2, relating to establishing the temporary suspension of rate increases, emergency rate increases, and hardship procedure”; to the Committee on Energy and Manufacturing then Government Organization then Finance.

**By Delegates Crouse, Honaker, Maynor, Mallow, Longanacre, Dean, Lucas and Steele:**

**H. B. 3424** - “A Bill to amend and reenact §29-5A-1, §29-5A-2, §29-5A-3, §29-5A-3a, §29-5A-3b, §29-5A-4, §29-5A-5, §29-5A-6, §29-5A-7, §29-5A-8, §29-5A-9, §29-5A-13, §29-5A-14, §29-5A-15, §29-5A-16, §29-5A-17, §29-5A-18, §29-5A-19, §29-5A-20, §29-5A-24, §29-5A-25, and §29-5A-25a of the Code of West Virginia, 1931, as amended, all relating to the West Virginia State Athletic Commission; providing for the implementation of a gate fee to fund the State Athletic Commission; requiring licensed promoters to provide the State Athletic Commission with a written report containing the gross proceeds from ticket and pay-per-view sales, live streaming right, video rights, sold for such contest and any rebroadcast rights from each event to calculate the gate fee; exempting promoter gate fee reports made to State Athletic Commission from the Freedom of Information Act; calculating the gate fee owed to the State Athletic Commission from the gross proceeds from ticket and pay-per-view, live streaming right, video rights, sold for such contest and any rebroadcast rights sales from each event provided in the required report; directing promoters to make payment to the Treasurer of West Virginia by submitting a certified check or money order to the commission; directing the gate fee collected to be deposited into the State Athletic Commission special account fund; making technical changes to code by removing any reference to exhibitions; changing titles for



certain commission members to Chief Commissioner and Deputy Commissioner; clarifying that excessive payment of fees and payment of fees not approved by the commission constitutes inference of any boxing match sanctioned by the commission; clarifying that inference with any boxing match sanctioned by the commission is prohibited; more closely adhering to the Unified Boxing Rules and the Association of Boxing Commissions for weight classes; modifying the fee paid to officials for matches; and making clear that matches conducted by any university, college or high school may be exempt from this article if sanctioned by U.S.A. Boxing”; to the Committee on Government Organization then Finance.

**By Delegate Young:**

**H. B. 3425** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-18F-1, §31-18F-2, and §31-18F-3 to establish the Small Business Investment Fund; creating the Small Business Financing Authority; defining terms; establishing requirements to obtain the grant; listing exclusions.”; to the Committee on Finance.

**By Delegate Gearheart:**

**H. B. 3426** - “A Bill to amend and re-enact §37-15-2 and §37-15-6 of the Code of West Virginia, 1931, as amended, relating to tenant protections and landlord notice requirements at rental properties for house trailers, mobile homes, manufactured homes, and modular homes”; to the Committee on the Judiciary.

**By Delegate Criss:**

**H. B. 3427** - “A Bill to amend and reenact §11-15-9n of the Code of West Virginia, 1931, as amended, all relating to the consumers sales and service tax and use tax exemption for qualified purchases of computers and computer software, primary material handling equipment, racking and racking systems, and components, building materials and certain tangible personal property to be incorporated into a qualified, new or expanded warehouse or distribution facility; changing threshold jobs creation number from 300 to 50; and making stylistic changes”; to the Committee on Finance.

**By Delegate Howell:**

**H. B. 3428** - “A Bill to amend and reenact §24-2-1n, relating to the West Virginia Business Ready Sites Program; to eliminate the West Virginia Business Ready Sites Program as a pilot program; to eliminate the maximum number of industrial development sites; to eliminate certain requirements that industrial development sites be apportioned geographically amongst West Virginia’s congressional districts; and to eliminate the sunset provision of the West Virginia Business Ready Sites Program”; to the Committee on Economic Development and Tourism.

**By Delegate Ferrell:**

**H. B. 3429** - “A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to the authority of the West Virginia Secondary School Activities Commission; eligibility to participate in interscholastic athletic events by students who transfer schools; and providing that the transferring student is ineligible for interscholastic athletic events for a period of 365 days from the date of entry to the new school”; to the Committee on Education.

**By Delegate Summers:**

**H. B. 3430** - “A Bill to amend and reenact §16-1-6 of the code of West Virginia, 1931, as amended, relating to prohibiting the Bureau for Public Health from assessing a fee on local health departments”; to the Committee on Health and Human Resources.

**By Delegate Criss:**

**H. B. 3431** - “A Bill to amend and reenact §11-13W-1 of the Code of West Virginia, 1931, as amended, all relating to the tax credit for apprenticeship training; eliminating the requirement that the credit base be limited to wages paid to apprentices in the construction trades, specifying effective date; and making stylistic changes”; to the Committee on Finance.

**By Delegate Hanshaw (Mr. Speaker):**

**H. B. 3432** - “A Bill to amend and reenact §2-2-10 and §2-2-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §4-1-13 of said code, all relating to statutory

construction; defining terms; and setting forth authority of the clerks”; to the Committee on the Judiciary.

**By Delegate Rowe:**

**H. B. 3433** - “A Bill to amend and reenact §9-2-4 of the Code of West Virginia, as amended, relating to the establishment of a division of forensic social work services within the Department of Health and Human Resources”; to the Committee on Health and Human Resources.

**By Delegate Young:**

**H. B. 3434** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-27B-1 and §16-27B-2, relating to establishing the Nuclear Reactor Pilot Program, providing definitions, and giving requirements for qualification and registration with the Public Service Commission”; to the Committee on Energy and Manufacturing then the Judiciary.

**By Delegate Forsht:**

**H. B. 3435** - “A Bill to amend and reenact §7A-1-2 and §7A-1-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §7A-2-1 and §7A-2-4 of said code; to amend and reenact §7A-3-4 of said code; to amend and reenact §7A-4-2 of said code; and to amend and reenact §7A-7-4a and §7A-7-8 of said code, all relating to consolidation of local governments; setting forth legislative findings; providing definitions; delineating the powers and privileges of a consolidated local government; providing for additional limitations on the actions of consolidated local government; amending the composition of a metro charter review committee; providing for additional public hearings in the charter review committee process; modifying the percentage vote required to approve metro government in municipal and countywide elections from 55 percent to a majority in counties with populations below 20,000; and removing the time limit for other municipalities to apply to join a metro government”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Dillon and Ross:**

**H. B. 3436** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-22-1, relating to property; restricting foreign ownership of land and other interests in the State of West Virginia as specified; defining terms; requiring registration as specified; authorizing enforcement of ownership restrictions as specified; providing a civil penalty; requiring the inclusion of notices of foreign ownership in assessment schedules and tax statements; specifying applicability; requiring rulemaking; and providing for an effective date”; to the Committee on Government Organization then the Judiciary.

**By Delegates Dillon, Dean and Ross:**

**H. B. 3437** - “A Bill to amend and reenact §24-2-1d and §24-2-4 of the Code of West Virginia, 1931, as amended, all relating to the creation of the Consumer Energy Affordability and Reliability Act”; to the Committee on Energy and Manufacturing then the Judiciary.

**By Delegates Horst, Chiarelli, Smith, Summers, Thorne, DeVault, Jeffries, W. Hall and Shamblin:**

**H. B. 3438** - “A Bill to amend and reenact §20-2-33 of the Code of West Virginia, 1931, as amended, relating to establishing an auto-renewal program for wildlife licenses; and authorizing the director to assess discounts to fees”; to the Committee on Government Organization then Finance.

**By Delegates Westfall, Pinson and Burkhammer:**

**H. B. 3439** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-130, relating to child placing agencies; requiring a policy of insurance; and limiting civil damages or injuries”; to the Committee on the Judiciary.

**By Delegates Linville and Westfall:**

**H. B. 3440** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-4-17f, relating to costs of relocating public utility facilities, lines, or systems for certain highway construction projects; identifying projects that are subject to this statute; providing for sharing of

relocation costs between the utility and the Division of Highways; providing for expedient relocation of such facilities if they would impede a project; and, limiting recovery of costs in such instances”; to the Committee on Technology and Infrastructure then Finance.

### **Special Calendar**

#### **Third Reading**

**Com. Sub. for H. B. 2621**, Relating generally to bail bondsman; 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. 119**), 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, Hardy, Kelly, C. Pritt, E. Pritt and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2621) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 2899**, Repealing two sections of code relating to gas utility rates; 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. 120**), and there were—yeas 91, nays 3, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Fluharty, Walker and Young.

Absent and Not Voting: Bridges, Hardy, Kelly, C. Pritt, E. Pritt and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2899) passed.

On motion of Delegate Linville, the title of the bill was amended to read as follows:

**H. B. 2899** – “A Bill to repeal §24-2B-1 and 24-2B-2 of the Code of West Virginia, 1931, as amended, relating to gas utility rates that were set for a period of 12 months during 1983.”

*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. 3111**, Creating Infrastructure Ready Jurisdictions; 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. 121**), and there were—yeas 80, nays 14, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Dillon, Fluharty, A. Hall, W. Hall, Hansen, Kump, Longanacre, McGeehan, Pushkin, Shamblin, Steele, Vance, Walker and Young.

Absent and Not Voting: Bridges, Hardy, Kelly, C. Pritt, E. Pritt and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3111) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 3268**, Add protections for WV residents who reside out of state for certain time periods from non-renewal of licenses and

registration; 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. 122**), 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, Hardy, Kelly, C. Pritt, E. Pritt and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3268) passed.

Delegate Householder moved that the bill take effect July 1, 2023.

On this question, the yeas and nays were taken (**Roll No. 123**), 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, Hardy, Kelly, C. Pritt, E. Pritt 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. 3268) takes effect July 1, 2023.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3306**, Relating to the organizational structure of the Office of Drug Control Policy; 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. 124**), and there were—yeas 90, nays 4, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Dillon, A. Hall, Kirby and Vance.

Absent and Not Voting: Bridges, Hardy, Kelly, C. Pritt, E. Pritt and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3306) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 3307**, Establishing the West Virginia-Ireland Trade Commission; 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. 125**), and there were—yeas 84, nays 10, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Butler, Dillon, Foggin, Foster, Gearheart, Kirby, Longanacre, Ridenour, Ross and Steele.

Absent and Not Voting: Bridges, Hardy, Kelly, C. Pritt, E. Pritt and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3307) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

### Second Reading

**Com. Sub. for H. B. 2005**, Establishing the dual enrollment pilot program to be administered by the Higher Education Policy Commission and the Council for Community and Technical College Education in conjunction with the State Board of Education; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.



**Com. Sub. for H. B. 2006**, Relating to reorganizing the Department of Health and Human Resources; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Summers, the bill was amended on page 9, line 24, by striking, “§5F-2-1” and inserting in lieu thereof, “§5F-1-2”;

And,

On page 10, line 40, by striking, “§5F-2-1” and inserting in lieu thereof, “§5F-1-2”;

And,

On page 11, line 60, by striking, paragraph (G) and re-lettering the remaining paragraphs accordingly;

And,

On page 11, line 67, by striking, “§5F-2-1” and inserting in lieu thereof, “§5F-1-2”.

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 2075**, To provide a means to classify when medications should be continued or stopped for patients; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Summers, the bill was amended on page 2, line 46, by striking subdivision (26) in its entirety and inserting in lieu thereof a new subdivision (26) to read as follows:

“(26) Regulations on prescription paper, ~~as provided in §16-5-27 of this code~~ which include three categories for optional use.

The first box, ‘Continue all other medications.’; The second box: “Discontinue [\_\_\_\_\_].” and the purpose of the medication, unless requested by the patient to leave blank. Prescriptions transmitted orally by phone shall include this same information when dictated to the pharmacy;”

The bill was then ordered to engrossment and third reading.

**H. B. 2309**, To require the Division of Forestry to create an online renewal process no later than July 1, 2023; on second reading, coming up in regular order, was read a second time.

An amendment was recommended by the Committee on Government Organization, and adopted, on page 2, section 11, line 33, by striking out the word “July” and inserting the word “October”

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 2540**, Travel Insurance Model Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 2605**, Relating to Good Samaritan law; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 2817**, Relating to Public Service Commission jurisdiction over alternative fuel for motor vehicles; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3044**, Relating to the annual fee for limited video lottery terminal permits; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3098**, To eliminate the WV General Summative Assessment and replace it with a formative assessment given three times a year; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Ellington, the bill was amended on page 3, section 44, after line 58, by adding a new subsection (h) and inserting the following “(h) *Virtual Charter School Assessments* - Virtual Charter Schools may test virtually using remote proctoring.”

And,

Re-lettering the remainder of the bill.

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 3113**, Requiring high school students to complete course of study in personal finance; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3122**, Permitting certain types of rifles using an encapsulated propellant charge that loads from the breech; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Householder, and by unanimous consent, the bill was postponed one day.

**H. B. 3199**, Relating to removing the requirement that an ectopic pregnancy be reported; on second reading, coming up in regular order, was read a second time

Delegate Burkhammer moved to amend the bill on page 2, line 23, by inserting a new subdivision “(C) An ectopic pregnancy shall be reported in the aggregate and the information requested, in §16-5-22(a)(1) – (8) is not required.”;

And,

On page 2, line 29, by striking subsection (d) in its entirety

On the adoption of the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 126**), and there were—yeas 33, nays 61, absent and not voting 6, with the yeas and the absent and not voting being as follows:

Yeas: Barnhart, Brooks, Burkhammer, Butler, Capito, Chiarelli, Coop-Gonzalez, Dean, DeVault, Dillon, Fast, Foster, A. Hall, Hanna, Holstein, Horst, Jeffries, Keaton, Kimble, Kirby,

Longanacre, Lucas, Martin, McGeehan, Nestor, Pinson, Ridenour, Ross, Steele, Street, Thorne, Vance and Ward.

Absent and Not Voting: Bridges, Hardy, Kelly, C. Pritt, E. Pritt and Williams.

So, a majority of the members present not having voted in the affirmative, the amendment was rejected.

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 3210**, Relating to the performance of installation of propane gas systems; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3261**, Relating to Social Workers Qualifications; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3272**, Relating to the operation of private trust companies in West Virginia; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3302**, To recognize unborn child as distinct victim in a DUI causing death; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3311**, Relating to wine alcohol by volume as compared to beer; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3318**, Relating to location of services provided by the Workforce Development Board as related to the one-stop delivery system; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Householder, and by unanimous consent, the bill was postponed one day.

### **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. 188**, Grid Stabilization and Security Act of 2023,

**Com. Sub. for S. B. 239**, Requiring Commissioner of Bureau for Behavioral Health to engage certain providers and leaders to study homeless demographic,

**Com. Sub. for S. B. 243**, Requiring substance use disorder inpatient providers to provide transportation to patients,

**H. B. 2186**, Relating to surgical smoke evacuation,

**Com. Sub. for H. B. 2821**, Relating to taxation of gambling and lottery winnings,

**H. B. 2839**, Making a technical correction regarding an incorrect fund name and clarifying applicability to mine lands governed by SMCRA and the Abandoned Mine Lands Act,

**Com. Sub. for H. B. 2896**, Relating to making West Virginia an Agreement State with the U. S. Nuclear Regulatory Commission,

**Com. Sub. for H. B. 2993**, Relating to rural emergency hospital licensure,

**Com. Sub. for H. B. 3200**, Authorize DHHR to transfer state facilities to regional mental health centers or intellectual disability facilities,

**Com. Sub. for H. B. 3308**, Authorizing PSC consider and issue financing orders to certain utilities to permit the recovery of certain costs through securitization via consumer rate relief bonds,

And,

**Com. Sub. for H. B. 3317**, Relating to removing specific continuing education requirements.

### **Leaves of Absence**

At the request of Delegate Householder, and by unanimous consent, leaves of absence for the day were granted Delegates Bridges, Hardy, Kelly, C. Pritt, E. Pritt and Williams.

### **Miscellaneous Business**

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

**H. B. 2471**: Delegate Fast;

**H. B. 2638**: Delegate Kump;

**H. B. 3157**: Delegate Crouse;

Pursuant to House Rule 94b, a form was filed with the Clerk's Office to be removed as a cosponsor of the following:

**H. B. 3279**: Delegate Worrell;

At 12:11 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 14, 2023.

---

Tuesday, February 14, 2023

**THIRTY-FIFTH DAY**

[DELEGATE HANSHAW, MR. SPEAKER, IN THE CHAIR]

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Monday, February 13, 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 Jeffries announced that Com. Sub. for H. B. 2075, on Third Reading, Special Calendar, had been transferred to the House Calendar.

At the request of Delegate Jeffries, unanimous consent was obtained for all bills on committee reports to be taken up for immediate consideration and read a first time, except those with a second committee reference.

**Committee Reports**

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

**H. B. 2062**, Establish rules and regulations for e-bikes in West Virginia that more closely comport to federal law,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2062** - “A Bill to amend and reenact §17C-1-70 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-11-8 of said code, all relating to modifying e-bike regulations to more closely comport to federal law; creating new definitions of e-bikes in West Virginia; permitting Class 2 e-bikes to use throttles; allowing Class 1 and Class 2 e-bikes to be operated on public lands to as to increase their usage and accessibility; and stating that users of e-bikes will not be given special privileges not otherwise given to similarly situated riders,”

**H. B. 2471**, Relating to the suspension of driver’s license for unpaid tickets,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2471** - “A Bill to amend and reenact §8-10-2b of the Code of West Virginia, 1931, as amended, relating to ensuring that if a person establishes a payment plan, but does not make at least one payment within 6 months either from the date of setting up the payment plan, or from the date of the most recent payment, that person's driver's license will be suspended,”

**H. B. 2587**, To reflect that County Sheriffs will be required to include a breakdown of the distribution of where a citizens taxes will be paid,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2587** - “A Bill to amend and reenact §11A-1-12 of the Code of West Virginia, 1931, as amended, relating to the accrual and collection of taxes; requiring the sheriff to provide a receipt for taxes collected; specifying payment information contained on the receipt; requiring the name of the sheriff and the officer receiving payment including their initials on the receipt,”

**H. B. 2638, H. B. 2639,**

**H. B. 2638**, Authorizing the Department of Administration to promulgate a legislative rule relating to purchasing,



And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2638** - “A Bill to amend and reenact §64-2-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Administration to promulgate legislative rules; authorizing the rules as filed and as amended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Department of Administration to promulgate a legislative rule relating to purchasing; and authorizing the Department of Administration to promulgate a legislative rule relating to parking,”

**H. B. 2640, H. B. 2641, H. B. 2642, H. B. 2643, H. B. 2644, H. B. 2645, H. B. 2646, H. B. 2647,**

**H. B. 2640**, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2640** - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Environmental Protection to promulgate legislative rules; authorizing the rules as filed, as modified, and as modified and amended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements for operating permits; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of ozone season nitrogen oxides emissions; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to quarrying and reclamation; authorizing

the Department of Environmental Protection to promulgate a legislative rule relating to the Recycling Assistance Grant Program; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the Reclamation of Abandoned and Dilapidated Properties Grant Program; and authorizing the Secretary's Office of the Department of Environmental Protection to promulgate a legislative rule relating to reclamation of solar and wind electricity generation facilities,"

And,

**H. B. 3190**, Amending the definition of "minor",

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3190** - "A Bill to amend the Code of West Virginia, 1931, as amended, and to amend and reenact §61-3C-14b, §61-8A-1, §61-14-1, relating to criminal liability to include adults that use computers by which to solicit, entice, seduce, lure, or attempt to solicit, entice, seduce, or lure a minor, or a person purported to be a minor, to engage in specific enumerated illegal acts contained in the West Virginia Code and providing definition of 'minor' therein; also relating to expanding criminal liability to include adults who additionally engage in an overt act which is designed to put the adult in the physical presence of the minor, or a person purported to be a minor; also relating to amending §61-8A-1 to amend the definition of 'minor'; also relating to amending §61-14-1 to amend the definition of 'minor'; and to amend and the Code of West Virginia, 1931, as amended by creating a new section, §61-8-32, relating to imposing criminal liability to include adults who by any means, not involving the use of computer, solicit, entice, seduce, lure, or attempt to solicit, entice, seduce, or lure a minor, or a person purported to be a minor, to engage in specific enumerated illegal acts contained in the West Virginia Code and also providing definition of 'minor' therein; also relating to expanding criminal liability to include adults who additionally engage in an overt act which is designed to put the adult in the physical presence of the minor,"

With the recommendation that the committee substitutes each do pass.

Unanimous consent having been previously obtained, the bills (Com. Sub. for H. B. 2062, Com. Sub. for H. B. 2471, Com. Sub. for H. B. 2587, Com. Sub. for H. B. 2638, Com. Sub. for H. B. 2640 and Com. Sub. for H. B. 3190) were taken up for immediate consideration, read a first time, and ordered to second reading.

Delegate Phillips, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 3279**, Relating to municipal home rule appeals,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 3279) was referred to the Committee on the Judiciary.

Delegate Phillips, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 2515**, Require agencies to develop and maintain an inventory of available services for single parents wanting to obtain degrees, secure training or reenter the workforce,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2515** - “A Bill to amend and reenact §9-3-1 and §9-3-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-1B-4; and to amend said code by adding thereto a new section, designated §21A-10-24, all relating to requiring certain agencies to work together to create an inventory of occupational and educational resources for certain persons

qualified to receive assistance and to maintain and distribute that document; requiring that the Bureau for Family Assistance, the Higher Education Policy Commission, and Workforce West Virginia develop and maintain an inventory of available services and supports for individuals qualified to receive federal, federal-state, or state assistance and who wish to obtain a degree, secure workforce training, or reenter the workforce; requiring the Bureau for Family Assistance, the Higher Education Policy Commission, and Workforce West Virginia to maintain the document on their websites and to distribute the document via first-class mail upon request,”

With the recommendation that the committee substitute do pass.

Unanimous consent having been previously obtained, the bill (Com. Sub, for H. B. 2515) was taken up for immediate consideration, read a first time, and ordered to second reading.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

**H. B. 2820**, To provide HOPE Scholarship recipients with the ability to play sports,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2820** - “A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to allowing participants in the Hope Scholarship Program, Microschools and Learning Pods access to athletics; prohibiting private school student from participating in public school sport offered at private school; making private school students subject to member to member transfer protocols and Activities Commission waiver application process,”

And,

**H. B. 3293**, Relating generally to identifying and educating exceptional children exhibiting indicators or diagnosed with dyslexia or dyscalculia,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3293** - “A Bill to amend and reenact §18-20-10 of the Code of West Virginia 1931, as amended, relating generally to identifying and educating exceptional children exhibiting indicators or diagnosed with dyslexia or dyscalculia; and establishing requirements for the state educational agency and local educational agencies to identify and support students with dyslexia and dyscalculia indicators or diagnosis in the public school system,”

With the recommendation that the committee substitutes each do pass.

Unanimous consent having been previously obtained, the bills (Com. Sub. for H. B. 2820 and Com. Sub. for H. B. 3293) were taken up for immediate consideration, read a first time, and ordered to second reading.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

**H. B. 3273**, Create State Tech Transfer Commission,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 3273) was referred to the Committee on the Judiciary.

Delegate Criss, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**H. B. 3012**, To encourage economic development regarding rare earth elements and critical minerals, as defined, by providing temporary severance tax relief,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3012** - “A Bill to amend and reenact §11-13A-3c of the Code of West Virginia, 1931, as amended, relating to the imposition of the tax on the privilege of severing other natural resources; providing for an exemption from the imposition of the severance tax for a period of 9 years beginning on July 1, 2023, for severing rare earth elements and critical minerals; and defining rare earth elements and critical minerals,”

**H. B. 3110**, Relating to funding the Office of Oil and Gas in the Department of Environmental Protection,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3110** - “A Bill to amend and reenact §11-13A-5a of the Code of West Virginia, 1931, as amended, and to amend and reenact §22-6-2, §22-6-29, and §22-6A-7 of said code; all relating to funding the Office of Oil and Gas in the Department of Environmental Protection; providing for the apportionment of three fourths of one percent of oil and gas severance taxes to Office of Oil and Gas; establishing two tiers of annual oversight fees for wells producing more than 60,000 cubic feet of gas per day; increasing the expedited permit modification fee by \$2500 over the current level; eliminating the one million dollar cap on deposits to the Oil and Gas Operating Permit and Processing Fund from collections of fees for expedited permits and expedited permit modifications; providing that those fees, if not used for other purposes, may be moved to the Oil and Gas Reclamation Fund; and making technical corrections,”

And,

**H. B. 3168**, Ensuring investment in WV Tourism is competitive with other states and accessible long term,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3168** - “A Bill to amend and reenact §5B-2E-3, §5B-2E-5, §5B-2E-6, §5B-2E-7 and §5B-2E-7a of the Code of West Virginia, 1931, as amended; all relating to amending and modernizing the Tourism Development Act; modifying definition of approved costs; allowing eligible company to operate or intend to operate directly or indirectly through a management company; modifying definition of tourism attraction; modifying definitions of tourism development project and tourism development expansion project; providing discretion regarding subjective criteria; modifying project requirements relating to production of revenues; providing for application of effective date; modifying terms and provisions of agreements between Department of Economic Development and approved company; providing additional conditions under which allowable credit is increased; providing a mechanism by which a project may amend the date by which it is to be complete; extending availability of enhanced credits; extending enhanced credit to projects involving historic structures; authorizing an additional fifteen-year term for companies to continue taking authorized and outstanding tax credits; removing provisions for carry forward, carry back and forfeiture of credits; providing for elections to not use credit; and updating references to ‘department’ and its secretary,”

With the recommendation that the committee substitutes each do pass.

Unanimous consent having been previously obtained, the bills (Com. Sub. for H. B. 3012, Com. Sub. for H. B. 3110 and Com. Sub. for H. B. 3168) were taken up for immediate consideration, read a first time, and ordered to second reading.

Delegate Criss, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**H. B. 3192**, Abolishing the Center for Nursing and transferring its duties and authorities to the Higher Education Policy Commission,

And,

**H. B. 3286**, Relating to an additional modification decreasing federal taxable income,

And reports the same back with the recommendation that they each do pass.

Unanimous consent having been previously obtained, the bills (H. B. 3192 and H. B. 3286) were taken up for immediate consideration, read a first time, and ordered to second reading.

### **Messages from the Executive**

#### **and Other Communications**

A communication from His Excellency, the Governor, advised that on February 13, 2023, he approved **Com. Sub. for H B. 2018, H. B. 2029 and H. B. 2506**.

A communication from the Clerk of the Senate to His Excellency, the Governor, advised that on February 13, 2023, S. B. 4 and S. B. 241 were presented to the Governor.

The Clerk announced that H. B. 2835 was presented to the Governor on February 13, 2023.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 47** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5G-17, relating to creating the Charter Schools Stimulus Fund to provide financial support to charter school applicants and charter schools that may not otherwise have the resources for start-up costs; requiring State Board of Education rules; specifying requirements the rules are to include; requiring the West Virginia Professional Charter School Board to distribute



moneys from the fund to qualifying charter school applicants and charter schools; specifying the manner of distribution; and requiring reimbursement of grant amount plus interest if the recipient has not begun operating a charter school within the next 30 months”; which was referred to the Committee on Education then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect January 1, 2024, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 59** - “A Bill to amend and reenact §21A-2D-2 and §21A-2D-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §21A-2D-2a; to amend said code by adding thereto a new article, designated §21A-3-1, §21A-3-2, and §21A-3-3; to amend and reenact §21A-6-1 and §21A-6-10 of said code; and to amend said code by adding thereto a new section, designated §21A-6-1d, all relating to eligibility for and amount of unemployment benefits; modifying methodology for calculating maximum benefit rate; modifying benefit table consistent with adoption of indexing; requiring Workforce West Virginia Commissioner take certain actions to verify unemployment insurance claim program integrity; requiring commissioner to review suspicious or potentially improper claims under certain circumstances; defining ‘state average unemployment rate’; limiting the maximum duration of unemployment benefits based on the state average unemployment rate; requiring Workforce West Virginia to promulgate legislative rules; establishing an internal effective date; reducing maximum benefit for each wage class; requiring work search activities to qualify for unemployment benefits; defining what constitutes work search activities; mandating submittal of proof of work search activities; providing for verification of work search activities; granting commissioner of Workforce West Virginia discretion in verification of work search activities; mandating establishment of process to refer individuals seeking unemployment benefits to job opportunities; requiring individuals receiving referrals to suitable work to apply for and

accept that work; mandating employers to report refusal of offer of employment to commissioner; allowing individuals who accept part-time non-suitable employment to receive unemployment benefits without reduction for wages under certain circumstances; making certain individuals applying for or receiving unemployment benefits exempt from work search requirements; establishing process for notification of work search activity requirements; requiring rulemaking; setting internal effective date”; which was referred to the Committee on Workforce Development then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 187** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8B-11b, relating to making it a felony offense for any school employee or volunteer to engage in sexual intercourse, sexual intrusion, or sexual contact with any student in the school where the person is employed regardless of age; defining terms; declaring that neither consent nor location where an offense occurs is a defense to prosecution specifying the criminal penalties for this offense; and declaring that a final conviction under this section causes the permanent revocation of any education related certificate the school employee may hold”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2023, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 237** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §5-10-22m and §5-10-22n; and to amend said code by adding thereto two new sections, designated §18-7A-26x and §18-7A-26y, all relating to the Public Employees Retirement System and the State Teachers Retirement System; providing a one-time bonus of

\$1,500 for certain annuitants; and increasing the minimum monthly benefit for certain annuitants”; which was referred to the Committee on Pensions and Retirement then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 290** - “A Bill to amend the Code of West Virginia 1931, as amended, by adding thereto a new article, designated §33-62-1, §33-62-2, §33-62-3, and §33-62-4, all relating to dental health care service plans; providing for transparency of expenditures of patient premiums; requiring carriers to file annual reports; requiring annual rebates in the form of premium reductions if funds spent for patient care is less than a certain percentage of premium funds; and providing for legislative and emergency rulemaking”; which was referred to the Committee on Banking and Insurance then Health and Human Resources.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 487** - “A Bill to amend and reenact §11-21-12d of the Code of West Virginia, 1931, as amended, relating to extending the additional modification reducing federal adjusted gross income”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 505** - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Office of the Secretary, fund 0186,

fiscal year 2023, organization 0201, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 508** - “A Bill to amend and reenact §6B-3-5 of the Code of West Virginia, 1931, as amended, relating grass roots lobbying campaigns; modifying reporting thresholds for grass roots lobbying campaigns; and clarifying the disclosure of contributions made for the purpose of furthering grass roots lobbying campaigns”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 516** - “A Bill to amend and reenact §3-8-1a, §3-8-2, and §3-8-2b of the Code of West Virginia, 1931, as amended, all relating to requirements for disclosure of donor contributions; defining terms; modifying the requirements for disclosing individual contributions to an independent expenditure; and clarifying disclosure for contributions made for the specific purpose of electioneering communications”; which was referred to the Committee on the Judiciary.

### **Resolutions Introduced**

Resolutions were introduced and severally referred as follows:

**By Delegate Ridenour:**

**H. R. 14** – “Disband the Federal Bureau of Investigation and other politicized intelligence and law enforcement agencies”; to the Committee on the Judiciary then Rules.

**By Delegates Skaff and Young:**

**H. C. R. 36** – “Requesting the Division of Highways name Bridge numbers: 20-064/00-049.98 (EB & WB) (20A779,20A782) Lat/Long: 38.38760, -8176827 Original Name: 1-64 Institute Interchange (EB&WB) Feature Intersected I-64 Ramps C & D in Kanawha County, the ‘U. S. Army Pvt. Charles A. White, Sr. Memorial Bridge’”; to the Committee on Technology and Infrastructure then Rules.

**By Delegate Ridenour:**

**H. C. R. 37** – “Requesting that Congress call a convention of states”; to the Committee on the Judiciary then Rules.

On motions for leave, Joint Resolutions were introduced and severally referred as follows:

**By Delegates Miller, Householder, Marple, Longanacre, Hite, DeVault and Coop-Gonzalez:**

**H. J. R. 27** – “Proposing an amendment to the Constitution of the State of West Virginia amending section 1b, article X thereof, relating to exempting honorably discharged veterans of the Armed Forces of the United States who have been determined to have a one hundred percent or lesser disability from ad valorem property taxation on the full amount of assessed value of a primary residence and all personal property; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendment; and to provide these veterans with hunting and fishing licenses at half the price”; to the Committee on Finance then the Judiciary.

**By Delegate McGeehan:**

**H. J. R. 28** – “Proposing an amendment to the Constitution of the State of West Virginia, amending article VII, section four, thereof, relating to preventing any individual from serving in the office of Secretary of State, Auditor, State Treasurer, Commissioner of Agriculture, or Attorney General for more than three consecutive terms; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

## **Bills Introduced**

On motions for leave, bills were introduced and severally referred as follows:

### **By Delegate Ellington:**

**H. B. 3441** - "A Bill to amend and reenact §18B-1D-9 of the Code of West Virginia, 1931, as amended, all relating to revising the training requirements for members of the Higher Education Policy Commission, the Council for Community and Technical College Education, and the institutional governing boards; requiring that the chancellor of the commission and the chancellor of the council develop a comprehensive orientation and training program for members of the commission, council and the institutional governing boards and ongoing educational opportunities for the ongoing members of those governing bodies; setting forth requirements for new member training; clarifying ongoing member training requirements; allowing for alternative training under certain circumstances; removing reporting requirement to the Legislative Oversight Commission on Education Accountability; and making technical changes"; to the Committee on Education.

### **By Delegate Howell:**

**H. B. 3442** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated as §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 the creation of the Mountain Bike Responsibility Act; stating a legislative purpose; defining terms; providing for duties of mountain operators; and providing for duties of bicyclists and passengers on aerial passenger tramways"; to the Committee on Economic Development and Tourism then the Judiciary.

### **By Delegates Maynor and Linville:**

**H. B. 3443** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-1-15, relating to a development or improvement on land subject to review by the State Historic Preservation Office or by any other agency, office, or component of the Division of Culture and History;

establishing the division shall not add any additional impediment to such review beyond those required by applicable Federal laws, rules, or regulations; and granting rule-making authority”; to the Committee on Economic Development and Tourism.

**By Delegate Phillips:**

**H. B. 3444** - “A Bill to amend and reenact §4-13A-2 of the Code of West Virginia, 1931, as amended, relating to adding the Cabinet Secretary of Economic Development, or a designee to the West Virginia Semiquincentennial Commission”; to the Committee on Economic Development and Tourism then Government Organization.

**By Delegate Nestor:**

**H. B. 3445** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-12-30, relating to probation and parole; creating earned compliance credits for individuals on probation and parole for certain behaviors and actions to incentivize rehabilitation efforts; authorizing supervising officers to recommend rescinding of credit to the court in certain circumstances; and requiring the Division of Corrections and Rehabilitation and the Division of Probation Services to provide annual reports to the Legislature”; to the Committee on the Judiciary.

**By Delegates Howell, Anderson, Westfall, Marple, Storch, Keaton and Maynor:**

**H. B. 3446** - “A Bill to amend and reenact §24-2-1 of the Code of West Virginia, 1931, as amended, relating to clarifying the powers of the public service commission as to electric generating facilities”; to the Committee on Energy and Manufacturing.

**By Delegate Ridenour:**

**H. B. 3447** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §18-2-24, relating to weighting final semester examinations”; to the Committee on Education.

**By Delegates Kelly and Hott:**

**H. B. 3448** - “A Bill to amend and reenact §62-12-5 of the Code of West Virginia, 1931, as amended, relating to probation officer field training”; to the Committee on the Judiciary.

**By Delegates Hansen and Walker:**

**H. B. 3449** - “A Bill to amend and reenact §6-9A-9 of the Code of West Virginia, 1931, as amended, relating to allowing recordings of closed meetings, and release in certain circumstances”; to the Committee on the Judiciary.

**By Delegates Espinosa, Willis, Householder, Hardy, Criss, Zatezalo, Storch, Clark, Fluharty and Shamblin:**

**H. B. 3450** - “A Bill to amend and reenact §29-22A-10 of the Code of West Virginia, 1931, as amended, all relating to racetrack video lottery; providing for certain transfers to and from the Licensed Racetrack Modernization Fund; and specifying the eligible purpose for recoupment of funds on deposit in facility modernization account within the Licensed Racetrack Modernization Fund”; to the Committee on Finance.

**By Delegates Hillenbrand, Ridenour, Sheedy, Street and Cooper:**

**H. B. 3451** - “A Bill to amend and reenact §6-13-1 of the Code of West Virginia, 1931, as amended, relating to updating the veteran preference ratings in state code for state employment”; to the Committee on Government Organization.

**By Delegate Young:**

**H. B. 3452** - “A Bill to amend and reenact §15-1B-11 of the Code of West Virginia, 1931, as amended, relating generally to uniform and equipment allowances for the National Guard”; to the Committee on Veterans' Affairs and Homeland Security then Finance.

**By Delegate Young:**

**H. B. 3453** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-9-1, §46A-9-2, §46A-9-3, §46A-9-4, §46A-9-5, §46A-9-6, §46A-9-7, §46A-9-8, §46A-9-9, §46A-9-10, and §46A-9-11, all relating to



consumer data privacy; defining terms, requiring privacy for certain identifying personal information; establishing a consumer right to request copy of personal data collected; establishing a consumer right to have personal information deleted or corrected; establishing a consumer right to request personal data sold or shared; establishing a consumer right to opt-out of the sale or sharing of personal information to third parties; prohibiting discrimination against consumers who exercise their right under this article; establishing procedures for requests for personal information under this article; establish a form to opt-out of sale or sharing of personal information; creating a private cause of action; empowering the West Virginia Division of Consumer Protection to establish rules under this article for enforcement; and empowering the West Virginia Division of Consumer Protection to bring suit for violation of this article”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Hornbuckle, Walker and E. Pritt:**

**H. B. 3454** - “A Bill to amend and reenact §17C-12-7 of the Code of West Virginia, 1931, as amended, relating to modifying the criminal penalties for overtaking or passing a stopped school bus loading or unloading children with warning signals engaged”; to the Committee on the Judiciary.

**By Delegates Kimble and Jeffries:**

**H. B. 3455** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-66-1 and §16-66-2, all relating to creating a patient's right to refuse medical treatment from a resident or student when a licensed physician is available and to require medical professionals to obtain consent for a resident to treat a patient in advance of the appointment or procedure”; to the Committee on Health and Human Resources.

**By Delegates C. Pritt and Kimble:**

**H. B. 3456** - “A Bill to amend and reenact §42-4-2 of the Code of West Virginia, 1931, as amended, relating to actions that bar acquisition of estate or insurance money; and prohibiting a person who is proven by a preponderance of evidence in a civil action to

have committed elder abuse, from inheriting from the abused person”; to the Committee on the Judiciary.

**By Delegate C. Pritt:**

**H. B. 3457** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-1-32a, relating to providing voters with the ability to identify and verify their ballot cast in a statewide election held in West Virginia”; to the Committee on the Judiciary.

**By Delegates Young and Pushkin:**

**H. B. 3458** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §27-18-1, §27-18-2, §27-18-3, §27-18-4, §27-18-5, and §27-18-6, all relating to establishing the behavioral health reform and innovation council; declaring the title of the act; creating the council; describing the scope of the council; detailing the composition of the council; requiring meetings and setting certain rules for the meetings; stating powers and duties of the council; and defining subcommittees of the council”; to the Committee on Health and Human Resources then Government Organization.

**By Delegate Phillips:**

**H. B. 3459** - “A Bill to amend and reenact §5A-3-10e of the Code of West Virginia, 1931, as amended, allowing for evaluation of prequalified bidders to be based on best value”; to the Committee on Government Organization.

**By Delegates Hott, Barnhart and Westfall:**

**H. B. 3460** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31A-4-46, relating to the merger of intrastate banks”; to the Committee on the Judiciary.

**By Delegate Walker:**

**H. B. 3461** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-66-1, relating to the creation of the Stars That Shine Fund”; to the Committee on Finance.

**By Delegate Young:**

**H. B. 3462** - “A Bill to amend and reenact §18-20-10 of the Code of West Virginia, 1931, as amended, relating generally to identifying and educating exceptional children exhibiting indicators or diagnosed with dyslexia or dyscalculia; and establishing requirements for the state educational agency and local educational agencies to identify and support students with dyslexia or dyscalculia indicators or diagnosis in the public school system”; to the Committee on Education then Finance.

**By Delegates Walker, Pushkin, Hansen, Griffith, Hornbuckle, Rowe, Garcia, Williams, Skaff, Fluharty and Young:**

**H. B. 3463** - “A Bill to amend and reenact §5A-1-11 of the Code of West Virginia, 1931, as amended, all relating to requiring the EEO coordinator to undertake a study of the ADA accessibility of the Main Capitol Building”; to the Committee on Government Organization.

**By Delegates Espinosa, Criss, Hardy, Summers, Ridenour, Householder, Storch, Willis and Fluharty:**

**H. B. 3464** - “A Bill to amend and reenact §29-22A-10d, §29-22A-10e of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-22C-27a of said code, all relating to the racetrack video lottery changes in distribution of net terminal income; changes in distribution of adjusted gross receipts in the lottery racetrack table games; and to restore moneys previously removed from net terminal income in 2014”; to the Committee on Finance.

**By Delegates Heckert and Foggin:**

**H. B. 3465** - “A Bill to amend and reenact §27-5-1b of the Code of West Virginia, 1931, as amended, relating to an involuntary commitment pilot program”; to the Committee on the Judiciary.

**By Delegate Toney:**

**H. B. 3466** - “A Bill to amend and reenact §59-1-14 of the Code of West Virginia, 1931, as amended, relating to fees charged

by sheriffs”; to the Committee on Political Subdivisions then Finance.

**By Delegate Young:**

**H. B. 3467** - “A Bill to amend and reenact §8-13-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-16-3, §11-16-11, §11-16-11c, and §11-16-16 of said code; to amend and reenact §60-1-5a and §60-1-5c of said code; to amend and reenact §60-4-3a of said code; to amend said code by adding thereto four new sections, designated §60-6-27 and §60-6-28; to amend and reenact §60-8-16; and to amend said code by adding thereto a new article, designated §60-10-1 and §60-10-2, all relating to allowing municipalities to establish ‘entertainment zones’ that would allow for bars and restaurants to sell drinks for to-go consumption in designated areas; allowing nonresident business owners to open a brewery; directing home sales of beer to be on equal footing with wine, cider, and liquor; allowing retail liquor stores, beer stores, and wine stores to have direct-to-home sales; removing ABV caps on wine, cider, and beer; removing background check and label approval requirements for temporary brewery permit; allowing breweries with a temporary license to sell to any retail store or bar/restaurant; separating the Tax Department from ABCA; restricting employment to just one agency; removing fingerprinting requirement for license/permit applications; providing oversight of ABCA and Tax Department from unilaterally changing or modifying interpretations of state law/code, requiring the ABCA to create an online label database; providing an online submission of ABCA documents and applications; allowing ABCA licensees to pay for license applications/renewals with standard business checks or credit/debit cards; requiring a 15-day maximum time period for processing ABCA paperwork; allowing private clubs to batch cocktails and dispense cocktails without additional approval from the ABCA; allowing wine, cider, and liquor to be dispensed on patios/outdoor spaces; allowing stadiums and arenas to sell liquor and cocktails; removing food sale requirements for carry out alcohol sales at bars and restaurants; legalizing neon beer signs; allowing alcohol manufacturers to own more than one facility; providing term limits for ABCA administration; providing for a third-party audit of

ABCA; forbidding the ABCA administration from contacting licensees by phone; requiring the ABCA to announce compliance sweeps/stings/checks in the same manner that DUI checkpoints are announced; removing the monthly ‘account sweeping’ requirement; adjusting the two percent gross tax on distilleries; providing for a license for art gallery beer and wine; and providing for a license for food hall that has separate sales for food and alcohol and shares a communal space”; to the Committee on Government Organization then the Judiciary.

**By Delegate Statler:**

**H. B. 3468** - “A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to modifying the school calendar; setting the school year to 175 days of instruction; establishing limits on the start and end of the school year; and modifying the number and purposes of noninstructional days”; to the Committee on Education.

**By Delegates Fluharty, Hornbuckle, Pushkin, E. Pritt, Young and Skaff:**

**H. B. 3469** - “A Bill to amend and reenact §6-5-5 of the Code of West Virginia, 1931, as amended, relating to prohibiting persons convicted of a felony related to interfering with an election related proceeding of the United States Congress from running for or election to a public office”; to the Committee on the Judiciary.

**By Delegate Howell:**

**H. B. 3470** - “A Bill to amend and reenact §4-2A-4 of the Code of West Virginia, 1931, as amended, relating to adding a category of additional days available to legislators for attending to constituent services and to clarify that additional days may be granted for legislators attending to legislative business or attending to constituent services during any period following an adjournment of more than three days from a regular, extended or extraordinary session in the discretion of the presiding officer”; to the Committee on the Judiciary then Finance.

**By Delegate Phillips:**

**H. B. 3471** - “A Bill to amend and reenact §6C-2-5, §6C-2-6, and §6C-2-8 of the Code of West Virginia, 1931, as amended, all

relating to the Public Employees Grievance Procedure; to establish that appeals to Level 3 decisions by the board be heard by the Intermediate Court of Appeals”; to the Committee on the Judiciary.

**By Delegates Walker and Hansen:**

**H. B. 3472** - “A Bill to repeal §9-2-11 of the Code of West Virginia, 1931, as amended; to repeal §16-2I-1, §16-2I-2, §16-2I-3, §16-2I-4, §16-2I-5, §16-2I-6, §16-2I-7, §16-2I-8, and §16-2I-9 of said code; to repeal §16-2M-1, §16-2M-2, §16-2M-3, §16-2M-4, §16-2M-5, §16-2M-6, and, §16-2M-7 of said code; to repeal §16-2O-1 of said code; to repeal §16-2P-1 of said code; to repeal §16-2Q-1 of said code; to repeal §16-2R-1, §16-2R-2, §16-2R-3, §16-2R-4, §16-2R-5, §16-2R-6, §16-2R-7, §16-2R-8, and §16-2R-9 of said code; to amend and reenact §30-1-26; to amend and reenact §30-14-12d of said code; to repeal §33-42-8 of said code; to repeal §61-2-8 of said code; all relating to returning a woman’s right to choose”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Linville and Maynor:**

**H. B. 3473** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated as §17-2E-10, relating to creating a work group to create procedures and policies and a plan for the construction of a database with information necessary for infrastructure maintenance and development, providing a date by which a report must be given to the Committee on Technology, and providing an effective date”; to the Committee on Technology and Infrastructure.

**By Delegates Steele:**

**H. B. 3474** - “A Bill to amend §17D-4-2 of the Code of West Virginia, 1931, as amended, all relating to proof of financial responsibility, by increasing mandatory insurance coverage limits”; to the Committee on the Judiciary.

**By Delegate Steele:**

**H. B. 3475** - “A Bill to amend the Code of West Virginia, 1931 as amended, by adding thereto a new section, designated as §16A-12-10, all relating to the offense of adulteration or alteration of

medical cannabis testing results; defining offense; and setting forth penalties”; to the Committee on the Judiciary.

**By Delegate Pushkin:**

**H. B. 3476** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated as §31D-9-901, §31D-9-902, §31D-9-903, §31D-9-904 and §31D-9-905, all relating to establishing workers cooperative corporations; providing a short title; providing legislative findings and purpose; defining terms; requiring certain articles and conditions for workers cooperative corporations; and providing criteria for their dissolution”; to the Committee on Economic Development and Tourism then the Judiciary.

**By Delegate Dillon:**

**H. B. 3477** - “A Bill to amend and reenact §15-5-6 of the Code of West Virginia, 1931, as amended, relating to the clarification of the Governor's management provisions after a State of Emergency is announced”; to the Committee on Government Organization then the Judiciary.

**By Delegates Hillenbrand, Chiarelli, Coop-Gonzalez, Warner, Hanna and Forsht:**

**H. B. 3478** - “A Bill to amend and reenact §22-15-21 of the Code of West Virginia, 1931, as amended, relating to the disposition of used tires by state residents; requiring dealers to collect a tire disposal fee at purchase of new tires, effective July 1, 2024; and providing that retail dealers collect waste tires for recycling or proper disposal without charge”; to the Committee on Government Organization.

**By Delegates Fehrenbacher, Espinosa, Mallow, Adkins, DeVault, Riley, Fast, Hillenbrand, Westfall, Anderson and Zatezalo:**

**H. B. 3479** - “A Bill to amend and reenact §61-16-1 and §61-16-2 of the Code of West Virginia, 1931, as amended, all relating to unmanned aircraft; adding definitions; requiring compliance with all federal laws and regulations relating to such vehicles; and creating criminal offenses and penalties for certain conduct using an unmanned aircraft system”; to the Committee on the Judiciary.

**By Delegates Hite, Horst, Miller and Hornby:**

**H. B. 3480** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-9-101, §46A-9-102, and §46A-9-103, all relating to the enactment of the West Virginia Consumer Privacy Act of 2023”; to the Committee on the Judiciary.

**By Delegates Miller, Longanacre, Marple, Hite, Mallow, Jennings, DeVault and Householder:**

**H. B. 3481** - “A Bill to amend and reenact §18-7A-38 of the Code of West Virginia, 1931, as amended, relating to permitting retirees under the state Teachers Retirement System to work as substitute teachers for up to 180 days without loss of the payment of monthly retirement benefits; adding a legislative finding; changing the allowed period of employment; and providing that no additional retirement system contributions will be made from such employment”; to the Committee on Pensions and Retirement then Finance.

**By Delegate Howell:**

**H. B. 3482** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2N-1, §5B-2N-2, §5B-2N-3, and §5B-2N-4; to amend said code by adding thereto a new section, designated §22-5-11b; and to amend and reenact §22B-1-7 of said code, all relating generally to the Coal Fired Grid Stabilization and Security Act of 2023; providing for a short title; making legislative findings and declarations; requiring designation of suitable sites for coal electric generation and reporting to the Division of Air Quality of the West Virginia Department of Environmental Protection and the West Virginia Public Service Commission; requiring construction and operating permits for coal electric generation facilities, including expedited consideration; and requiring prompt consideration of appeals by the Air Quality Board concerning coal electric generation facility permits”; to the Committee on Economic Development and Tourism.

**By Delegates Espinosa and Householder:**

**H. B. 3483** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto new article, designated §5-30-1, §5-



30-2, §5-30-3, and §5-30-4, all relating to approving the creation of the West Virginia First Foundation pursuant to the terms of the West Virginia First Memorandum of Understanding; and to authorize the appointment of governing board members to the West Virginia First Foundation by the Governor and regional authorities”; to the Committee on the Judiciary.

**By Delegates Householder, Jeffries, Gearheart and Espinosa:**

**H. B. 3484** - “A Bill to amend the Code of West Virginia 1931, as amended, by adding thereto a new section, designated §9-8-2a, relating to expanding the employment and training requirements necessary to receive SNAP benefits”; to the Committee on Government Organization.

**By Delegates Householder, Jeffries, Gearheart and Espinosa:**

**H. B. 3485** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-4F-1, §9-4F-2, §9-4F-3, §9-4F-4, §9-4F-5, §9-4F-6, §9-4F-7, §9-4F-8, §9-4F-9, §9-4F-10, and §9-4F-11, all relating to the creation of the Medicaid Sustainability Act of 2023; providing for a short title; providing for a purpose; providing for hospital presumptive eligibility; creating a fraud lockout; creating automatic renewal and repopulated forms; providing for biannual and quarterly redeterminations; providing for a mandatory job search; creating work requirements; providing for state plan amendments and waivers; providing for severability; and creating an effective date”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Crouse:**

**H. B. 3486** - “A Bill to amend and reenact §11-22-2 of the Code of West Virginia, 1931, as amended, relating to allocating a percentage of county excise taxes received from transfers of title to real estate in each county for funding improvements to election administration, infrastructure, and physical and cyber security; allocating a percentage of county excise taxes received from transfers of title to real estate in each county for funding other county purposes including, but not limited to, compliance with the

Uniform Real Property Electronic Recording Act; authorizing the Secretary of State to promulgate legislative rules establishing minimum adequate funding thresholds and standards based on county classification for improving election administration, infrastructure, and security; and authorizing county clerks to reallocate the excess portion of funding for improving election administration, infrastructure, and security to other approved county purposes upon determination by the Secretary of State that the minimum funding thresholds and standards have been met”; to the Committee on Finance.

**By Delegate Summers:**

**H. B. 3487** - “A Bill to amend and reenact §33-15-4t of the Code of West Virginia, 1931, as amended; to amend and reenact §33-16-3ee of said code; to amend and reenact §33-24-7t of said code; to amend and reenact §33-25-8q of said code; and to amend and reenact §33-25A-8t of said code, all relating to cost-sharing calculations for certain Health Savings Account-qualified High Deductible Health Plans”; to the Committee on Health and Human Resources then Finance.

**By Delegate Cannon:**

**H. B. 3488** - “A Bill to amend and reenact §3-5-1 of the Code of West Virginia, 1931, as amended, relating to changing the time of holding primary elections in this state to the second Tuesday in August 2024, and in each second year thereafter”; to the Committee on the Judiciary.

**By Delegates Foster, Crouse and Cannon:**

**H. B. 3489** - “A Bill to amend and reenact §7-1-3 and §7-1-3d of the Code of West Virginia, 1931, to amend and reenact §7-17-10 as amended; both relating to granting administrative control of fire departments within a county to a county fire board or, in the absence of a fire board, to the county commission of that county when they are not already under administrative control of a municipal corporation”; to the Committee on Political Subdivisions then Government Organization.

**By Delegates Hanshaw (Mr. Speaker), Jeffries, Phillips and Kelly:**

**H. B. 3490** - “A Bill to amend and reenact §7A-1-2 and §7A-1-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §7A-2-1 and §7A-2-4 of said code; to amend and reenact §7A-3-4 of said code; to amend and reenact §7A-4-2 of said code; and to amend and reenact §7A-7-4a and §7A-7-8 of said code, all relating to consolidation of local governments; setting forth legislative findings; providing definitions; delineating the powers and privileges of a consolidated local government; providing for additional limitations on the actions of consolidated local government; amending the composition of a metro charter review committee; providing for additional public hearings in the charter review committee process; modifying the percentage vote required to approve metro government in municipal and countywide elections from 55 percent to a majority in counties with populations below 20,000; and removing the time limit for other municipalities to apply to join a metro government”; to the Committee on Government Organization then the Judiciary.

**By Delegate Rowe:**

**H. B. 3491** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-1a, relating to clarifying the offense of the intentional murder of a law enforcement officer or corrections officer in the line of duty as felony murder; and adding a mandatory life sentence”; to the Committee on the Judiciary.

**By Delegates Barnhart, Holstein, Forsht, Dean, Vance, Summers, Ferrell, Willis and Marple:**

**H. B. 3492** - “A Bill to amend and reenact §29-3E-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §33-3-14d and §33-3-33 of said code; and to amend and reenact §33-12C-7 of said code, all relating to distribution of certain taxes and surcharges to benefit volunteer and part-volunteer fire departments and emergency medical services providers; defining terms; providing method of allocation and distribution for proceeds of fireworks safety fee deposited in Fire Protection Fund; eliminating obsolete language; increasing surcharge on fire and

casualty policies; providing method of allocation of policy surcharge; requiring the State Fire Marshal provide certain information to the State Treasurer; increasing tax on surplus lines policies; providing method of allocation of surplus lines policy tax; and clarifying requirements for distribution of funds in Fire Protection Fund”; to the Committee on Finance.

**By Delegate Capito:**

**H. B. 3493** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-1-21a, relating to the prohibition of certain foreign ownership of land in this state”; to the Committee on the Judiciary.

**By Delegate Reynolds:**

**H. B. 3494** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-71c, relating to tax on income of nonresidents for natural resources royalty payments received from lessees; providing legislative findings; defining terms; providing for withholding of estimated tax liabilities from natural resources royalty payments for nonresidents by lessees; providing exceptions to the tax withholding requirements under certain circumstances; providing that withheld amounts be paid by lessees to the Tax Commissioner on behalf of the nonresidents; providing for refunds to nonresidents for overpayment; requiring annual withholding statements, reconciliation, and filing requirements; requiring electronic filing under specified circumstances; providing for criminal and civil penalties in certain circumstances for non-compliance; providing for rule-making; and providing an effective date”; to the Committee on Finance.

**By Delegate Holstein:**

**H. B. 3495** - “A Bill to amend and reenact §3-2-6, §3-2-10, §3-2-13, §3-2-25, §3-2-32, and §3-2-34 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-3-3 and §3-3-9 of said code, all relating to general modifications to early voting procedures; registration by mail; voter registration services; unlawful registration or rejection of voter; alteration or destruction of records; early in-person voting; and criminal penalties”; to the Committee on the Judiciary.

**By Delegates Holstein, McGeehan, Pinson and Mazzocchi:**

**H. B. 3496** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-10-1, relating to the creation of the Responsible Fatherhood Act”; to the Committee on Health and Human Resources then Finance.

**By Delegates Holstein, Hornby, Jeffries, Kimble, Hanna, Foster and Keaton:**

**H. B. 3497** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-1-52, relating to prohibiting ranked choice voting in West Virginia”; to the Committee on the Judiciary.

**By Delegates Linville, Cannon, Fast and Young:**

**H. B. 3498** - “A Bill to amend the Code of West Virginia 1931, as amended, by adding thereto a new article, designated as §46A-6O-1, §46A-6O-2, §46A-6O-3, §46A-6O-4, §46A-6O-5, §46A-6O-6, §46A-6O-7, §46A-6O-8, §46A-6O-9, §46A-6O-10, §46A-6O-11, §46A-6O-12 and §46A-6O-13, all relating to the Consumer Data Protection Act; establishing a framework for controlling and processing personal data in the state; creating definitions; limiting application to all persons that conduct business in the state and either control or process personal data of at least 100,000 consumers or derive over 50 percent of gross revenue from the sale of personal data and control or process personal data of at least 25,000 consumers; providing exemptions; delineating responsibilities and privacy protection standards for data controllers and processors; clarifying standards do not apply to state or local governmental entities; providing exceptions for certain types of data and information governed by federal law; providing that consumers have rights to access, correct, delete, obtain a copy of personal data, and to opt out of the processing of personal data for the purposes of targeted advertising; providing that the Attorney General has exclusive authority to enforce violations of the law; providing for assistance of the Attorney General in obtaining relief; establishing the Consumer Privacy Fund is created to support this effort; and providing for construction and an effective date”; to the Committee on Technology and Infrastructure then Finance.

**By Delegates Fast, Petitto, Warner, Lucas, C. Pritt, Cooper and Steele:**

**H. B. 3499** - “A Bill to amend and reenact §36-12-13 of the Code of West Virginia, 1931, as amended, relating to allowing death deeds to specify joint tenancy with right of survivorship”; to the Committee on the Judiciary.

**By Delegates Westfall, Barnhart and Hott:**

**H. B. 3500** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-4-114, clarifying that regulated consumer lenders may conduct certain activities at locations other than their normal business locations and providing certain limitations to that activity”; to the Committee on the Judiciary.

**By Delegates Howell, Cannon, Ellington, Statler, Williams, Ross, Longanacre, Smith, Foggin, Toney and Clark:**

**H. B. 3501** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-50, relating to providing funding for Cardiopulmonary Resuscitation Instruction Fund for high school students”; to the Committee on Health and Human Resources then Finance.

**By Delegate C. Pritt:**

**H. B. 3502** - “A Bill to amend and reenact §6B-1-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §6B-2-5 of said code; and to amend said code by adding thereto a new article, designated §6B-4-1, §6B-4-2, §6B-4-3, §6B-4-4, §6B-4-5, §6B-4-6, §6B-4-7, §6B-4-8, §6B-4-8a, §6B-4-9, §6B-4-10, §6B-4-11, §6B-4-12, §6B-4-13, and §6B-4-14, all relating to bifurcating the State Ethics Commission by creating a division of the Ethics Commission that is specific to the Legislative branch of the West Virginia government; providing definitions; stating standards, requirements; establishing penalties; establishing criminal penalties”; to the Committee on the Judiciary.

**By Delegate C. Pritt:**

**H. B. 3503** - “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §18B-4-

11, relating to nondiscrimination at institutions of higher education”; to the Committee on Education.

**By Delegate C. Pritt:**

**H. B. 3504** - “A Bill to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended, relating to requiring independent candidates for political office to file for office as an independent in January of an election year”; to the Committee on the Judiciary.

**By Delegates Westfall and Shamblin:**

**H. B. 3505** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-11-12, relating to establishing response requirements for all fire departments; stating purpose; requiring fire commission establish predetermined assignments for response to emergency; prohibiting fire departments from dismissing fire departments to request one outside of predetermined assignments; and authorizing rulemaking”; to the Committee on Government Organization.

**By Delegates Young, Walker, Hansen and Hornbuckle:**

**H. B. 3506** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-4G-1, §16-4G-2, §16-4G-3, §16-4G-4, and §16-4G-5, all relating to legislative findings and intent; providing definitions; requiring perinatal facilities in this state to implement evidence-based implicit bias programs for health care professionals in those facilities; to require certain components in such programs; to provide training; and to provide for the compilation and tracking of data on severe maternal morbidity and pregnancy-related deaths and other related matters”; to the Committee on Health and Human Resources.

**By Delegates Young, Pushkin and Skaff:**

**H. B. 3507** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-30; to amend said code by adding thereto a new section, designated §33-15-4x; to amend said code by adding thereto a new section, designated §33-16-3ii; to amend said code by adding thereto a new section, designated §33-24-7x; to amend said code by adding

thereto a new section, designated §33-25-8u; to amend said code by adding thereto a new section, designated §33-25A-8x; and to amend said code by adding thereto a new article, designated §33-57A-1, §33-57A-2, §33-57A-3, §33-57A-4, and §33-57A-5, all relating to creating the Mental Health and Substance Use Disorders Insurance Coverage Protection Act; requiring certain insurance policies to provide coverage for medically necessary treatment of mental health and substance use disorders; defining terms; mandating generally accepted standards be followed when making medical necessity determinations; and prohibiting discretionary clauses”; to the Committee on Health and Human Resources then Finance.

**By Delegates Young, Pushkin and Skaff:**

**H. B. 3508** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §27-18-1, §27-18-2, §27-18-3, §27-18-4, §27-18-5, §27-18-6, and §27-18-7, all relating to establishing the behavioral health crisis services system act; defining terms; designating a crisis hotline center; detailing requirements of the crisis hotline center; providing funding for mobile crisis teams and detailing responsibilities of mobile crisis teams; requiring funding for crisis receiving and stabilization services; establishing a trust fund for the purpose of creating and maintaining a statewide 9-8-8 suicide prevention and mental health crisis system; and establishing a fee to support the statewide 9-8-8 suicide prevention and mental health crisis system”; to the Committee on Health and Human Resources then Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff**

**[By Request of the Executive]:**

**H. B. 3509** - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2023, to Miscellaneous Boards and Commissions, Public Service Commission – Consumer Advocate Fund, fund 8627, fiscal year 2023, organization 0926, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.



**By Delegates Hanshaw (Mr. Speaker) and Skaff****[By Request of the Executive]:**

**H. B. 3510** - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Administration, Office of Technology – Chief Technology Officer Administration Fund, fund 2531, fiscal year 2023, organization 0231, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff****[By Request of the Executive]:**

**H. B. 3511** - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Education, State Board of Education – School Lunch Program, fund 8713, fiscal year 2023, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff****[By Request of the Executive]:**

**H. B. 3512** - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2023, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff****[By Request of the Executive]:**

**H. B. 3513** - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Homeland Security, Division of Corrections and Rehabilitation – Regional Jail and Correctional Facility

Authority, fund 6675, fiscal year 2023, organization 0608, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff**

**[By Request of the Executive]:**

**H. B. 3514** - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund, fund 5214, fiscal year 2023, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff**

**[By Request of the Executive]:**

**H. B. 3515** - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Veterans’ Assistance, Veterans’ Facilities Support Fund, fund 6703, fiscal year 2023, organization 0613, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff**

**[By Request of the Executive]:**

**H. B. 3516** - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Health and Human Resources, Division of Health – West Virginia Safe Drinking Water Treatment, fund 8824, fiscal year 2023, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff**

**[By Request of the Executive]:**

**H. B. 3517** - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal

moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Division of Human Services – Child Care and Development, fund 8817, fiscal year 2023, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff  
[By Request of the Executive]:**

**H. B. 3518** - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Agriculture, fund 8736, fiscal year 2023, organization 1400, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff  
[By Request of the Executive]:**

**H. B. 3519** - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Transportation, Division of Motor Vehicles, fund 8787, fiscal year 2023, organization 0802, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff  
[By Request of the Executive]:**

**H. B. 3520** - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Education, State Board of Education – Vocational Division, fund 8714, fiscal year 2023, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff****[By Request of the Executive]:**

**H. B. 3521** - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Division of Health – Maternal and Child Health, fund 8750, fiscal year 2023, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff****[By Request of the Executive]:**

**H. B. 3522** - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Commerce, Division of Natural Resources – License Fund – Wildlife Resources, fund 3200, fiscal year 2023, organization 0310, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff****[By Request of the Executive]:**

**H. B. 3523** - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to Miscellaneous Boards and Commissions, Economic Development Authority, fund 8893, fiscal year 2023, organization 0944, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff****[By Request of the Executive]:**

**H. B. 3524** - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Agriculture – West Virginia Spay Neuter Assistance Fund, fund 1481, fiscal year 2023, organization 1400, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

**By Delegates Howell and Young:**

**H. B. 3525** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15A-2c, relating to taxation of certain solar panels used as energy wholesale generators or small scale utilities”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff****[By Request of the Executive]:**

**H. B. 3526** - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2023, to Miscellaneous Boards and Commissions, Public Service Commission, fund 8623, fiscal year 2023, organization 0926, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff****[By Request of the Executive]:**

**H. B. 3527** - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, State Excess Lottery Revenue Fund, Department of Education, fund 3517, fiscal year 2023, organization 0402, and to the Department of Education, School Building Authority, fund 3514, fiscal year 2023, organization 0404 by supplementing and amending appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff****[By Request of the Executive]:**

**H. B. 3528** - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Health and Human Resources, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations, fund 5156, fiscal year 2023, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff  
[By Request of the Executive]:**

**H. B. 3529** - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Commerce, State Board of Rehabilitation – Division of Rehabilitation Services, fund 8734, fiscal year 2023, organization 0932, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

**By Delegates Young, Williams, Garcia, Pushkin, Hansen, E. Pritt, Griffith, Rowe, Walker, Hornbuckle and Fluharty:**

**H. B. 3530** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-98, relating to tax reductions and other aid for West Virginians; stating a purpose; providing for a child tax credit; providing for a child and dependent care tax credit; authorizing an earned income tax credit; authorizing a student loan interest tax credit; and providing for rulemaking and an effective date”; to the Committee on Finance.

**By Delegates Foster, Keaton, Linville, Butler, Cannon, Reynolds and Brooks:**

**H. B. 3531** - “A Bill to amend and reenact §17B-3-6 of the Code of West Virginia, 1931, as amended, all relating to establishing a restricted license for licensees whose license has been suspended for certain violations and establishing a fee for the issuance of a restricted license”; to the Committee on Government Organization then Finance.

**By Delegate Burkhammer:**

**H. B. 3532** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-2B-4a, relating to the establishment of the Meat Cutting and Processing Pilot Program for Kanawha County Schools in the Career and Technical Education Centers”; to the Committee on Education then Finance.

**By Delegate Hornbuckle:**

**H. B. 3533** - “A Bill to amend and reenact §18-2-25 and §18-2-25a of the Code of West Virginia, 1931, as amended, all relating to creating the West Virginia Youth Sports Safety Commission granting jurisdiction to supervise youth sport league athletic training and safety to county boards of education and the West Virginia Youth Sports Safety Commission; requiring schools and youth sport leagues to implement certain safety measures during athletic events; requiring training of coaching staff in acclimatization, requiring authorizing fines; and requiring rulemaking”; to the Committee on Health and Human Resources then Education.

**By Delegates Worrell, Ferrell and Rohrbach:**

**H. B. 3534** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7h; to amend said code by adding thereto a new section, designated §33-15-23; to amend said code by adding thereto a new section designated §33-16-19; to amend said code by adding thereto a new section, designated §33-16D-17; to amend said code by adding thereto a new section designated §33-24-7x; to amend said code by adding thereto a new section designated §33-25-8u; and to amend said code by adding thereto a new section designated §33-25A-8x, all relating to prohibiting an insurer from imposing a copayment, for services rendered by a licensed occupational therapist, licensed occupational therapist assistant, licensed speech-language pathologist, licensed speech-language pathologist assistant, licensed physical therapist or a licensed physical therapist assistant, that is more than a copayment imposed for the services of a primary care physician or an osteopathic physician”; to the Committee on Health and Human Resources then Finance.

**By Delegate Ridenour:**

**H. B. 3535** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-17-1, §61-17-2, and §61-17-3, all relating to political prisoners; providing for the Prohibition on Political Prisoners in West Virginia Act; providing definition; declaring certain transport unlawful; providing for codification. This act shall be known and

may be cited as the ‘Prohibition on Political Prisoners in West Virginia Act’”; to the Committee on the Judiciary.

**By Delegates Storch, Howell and Westfall:**

**H. B. 3536** - “A Bill to amend and reenact §18-2-40 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18B-1B-7 of said code, all relating to suicide prevention awareness and dissemination of information concerning the same”; to the Committee on Health and Human Resources.

**By Delegate Butler:**

**H. B. 3537** - “A Bill to amend and reenact §51-11-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §58-5-8, all relating to granting the intermediate court of appeals jurisdiction to hear certified questions; relating to a party’s right to have the intermediate court of appeals answer a certified question on the constitutionality of statute, rule, or executive order of this state that is drawn into question in a case; and subjecting such certified questions to the rules of appellate procedure”; to the Committee on the Judiciary.

**By Delegate Howell:**

**H. B. 3538** - “A Bill to amend and reenact §8-13-5 of the Code of West Virginia, 1931, as amended, relating to limitations on the computation, imposition and collection of the business and occupation tax by municipalities”; to the Committee on Finance.

**By Delegate Steele:**

**H. B. 3539** - “A Bill to amend and reenact §24-2-1 of the Code of West Virginia, 1931, as amended, relating to increasing individual customer on-site generator limits of designing a photovoltaic energy facility to meet only the electrical needs of the premises of the retail electric customer so as to not exceed 1,000 kW for commercial customers”; to the Committee on Energy and Manufacturing.

**By Delegate Espinosa and Hite:**

**H. B. 3540** - “A Bill to amend and reenact §16-1-3 of the Code of West Virginia, 1931, as amended, relating to the duties of the



Secretary of the West Virginia Department of Health and Human Resources; and requiring preparation of reports to the President of the Senate, the Speaker of the House of Delegates and the Legislative Commission on Health and Human Services Accountability that determine recommended levels of reimbursement for home and community based providers that serve patients with intellectual and development disabilities (I/DD)”; to the Committee on Health and Human Resources.

**By Delegates Rowe, Griffith, Pushkin and Walker:**

**H. B. 3541** - “A Bill to amend and reenact §24-2-1p of the Code of West Virginia, 1931, as amended, relating to removing surcharges from the Middle-Mile Fiber Broadband Infrastructure Expansion Program”; to the Committee on Technology and Infrastructure.

**By Delegates Hanshaw (Mr. Speaker) and Skaff**

**[By Request of the Executive]:**

**H. B. 3542** - “A Bill expiring funds to the Department of Administration, Board of Risk and Insurance Management, Public Entity Insurance Trust Fund, fund 2363, fiscal year 2023, organization 0218, in the amount of \$50,000,000, from the Department of Administration, Board of Risk and Insurance Management, Mine Subsidence Insurance Fund, fund 2361, fiscal year 2023, organization 0218”; to the Committee on Finance.

**By Delegates Hornby, Hanna, Hite, Horst, Ellington, Clark, Smith, Willis and Tully:**

**H. B. 3543** - “A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to providing that the West Virginia Secondary School Activities Commission promulgate legislative rules”; to the Committee on Education then the Judiciary.

**By Delegates Dittman, Howell, Thorne and A. Hall:**

**H. B. 3544** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, §11-13MM-3, §11-13MM-4, and §11-13MM-5, all relating to providing an income tax credit for lessors of real property leased to the state or other subdivision for

recreational purposes”; to the Committee on Economic Development and Tourism then Finance.

**By Delegates Pushkin, Rowe and Walker:**

**H. B. 3545** - “A Bill expiring funds to the balance of the Treasurer’s Office– American Rescue Plan Low-income Assistance Program, Fund 0126, Fiscal year 2023, organization 1300, in the amount of \$300 million, from 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”; to the Committee on Finance.

**By Delegates Clark, Ferrell, Longanacre, Maynor, Jennings, Walker, Hornby and Ellington:**

**H. B. 3546** - “A Bill amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-2-3a, relating to providing for contracted employment of substitute teachers for 180 instructional days; requiring employment in schools of certain size and describing duration, nature, qualifications, and daily rate of pay of 180-day contract substitute teacher”; to the Committee on Education.

**By Delegates Clark, Ferrell, Longanacre, Maynor, Jennings, Walker and Ellington:**

**H. B. 3547** - “A Bill to amend and reenact §18A-4-10 of the Code of West Virginia, 1931, as amended, relating to increasing number of personal leave days an employee may use without regard to the cause for the absence; and providing for use on consecutive days”; to the Committee on Education then Finance.

**By Delegates Clark, Ferrell, Longanacre, Hanna, Maynor, Jennings, Hite, Walker and Ellington:**

**H. B. 3548** - “A Bill to amend and reenact §18A-4-14 of the Code of West Virginia, 1931, as amended, relating to requiring state board rule providing uniform procedure, prohibition, form and benefit regarding a teacher’s voluntary exchange of duty-free lunch recess to perform duties at the school”; to the Committee on Education.

**By Delegates Clark, Statler, Ferrell, Longanacre, Hanna, Jennings, Hornby, Hite, Walker and Ellington:**

**H. B. 3549** - “A Bill to amend and reenact §18-20-1c of the Code of West Virginia, 1931, as amended, relating to prohibiting regular classroom teachers and special education classroom teachers required to participate an individualized education program committee from being required to prepare or reduce to writing the individualized education program plan unless no other knowledgeable professional is available”; to the Committee on Education.

**By Delegate C. Pritt:**

**H. B. 3550** - “A Bill to amend and reenact §3-1-9 and §3-1-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-5-2 and §3-5-21 of said code; and to amend and reenact §3-8-2c of said code, all relating to political parties; providing that state executive committee create rules for state, district, and county executive committees; removing ability of courts to review political party rules; providing that political parties may select delegates to the national convention consistent with the national rules of their political party; providing that presidential electors be chosen by state convention or state executive committee; and removing limitation on contributions or expenditures over \$1 million for state or county executive committee headquarters”; to the Committee on the Judiciary.

**By Delegate C. Pritt:**

**H. B. 3551** - “A Bill to amend and reenact §5-1-16a of the Code of West Virginia, 1931, as amended, relating to restricting access to criminal history record information of individuals who have been convicted of a crime and pardoned by the Governor; providing procedure for obtaining the restriction; and exceptions”; to the Committee on the Judiciary.

## **Special Calendar**

### **Third Reading**

**Com. Sub. for H. B. 2005**, Establishing the dual enrollment pilot program to be administered by the Higher Education Policy

Commission and the Council for Community and Technical College Education in conjunction with the State Board 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. 127**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Bridges and E. Pritt.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2005) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 2006**, Relating to reorganizing the Department of Health and Human Resources; 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. 128**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Dillon, Foster and Hanna.

Absent and Not Voting: Bridges and E. Pritt.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2006) passed.

On motion of Delegate Summers, the title of the bill was amended to read as follows:

**Com. Sub. for H. B. 2006** – “A Bill to amend and reenact §5F-1-2 of the Code of West Virginia, 1931, as amended; to amend and

reenact §5F-2-1 and §5F-2-2 of said code; to amend said code by adding thereto a new section designated §5F-2-1a; to repeal §9-1-1 of said code; to amend and reenact §9-1-2 of said code; to amend and reenact §9-2-1 of said code; to repeal §9-2-1a of said code; to amend and reenact §9-2-2, §9-2-5 and §9-2-6, of said code; to repeal §9-2-9 of said code; to amend and reenact §9-2-9a of said code; to repeal §9-2-13 of said code; to repeal §9-5-8, §9-5-8a and §9-5-8b of said code; to amend and reenact §16-1-1, §16-1-2, §16-1-3, §16-1-5 and §16-1-6 of said code; to amend said code by adding thereto new sections designated, §16-1-22, §16-1-22a, §16-1-22b and §16-1-22c of said code; to amend and reenact §16-29A-4 of said code; to amend and reenact §26-1-1, §26-1-2 and §26-1-3 of said code; to amend said code by adding thereto a new section, designated §26-1-4 of said code; to repeal §26-3-1, §26-3-2, §26-3-3, §26-3-4 and §26-3-5 of said code; to repeal §26-5-1 of said code; to repeal §26-5A-5a of said code; to repeal §26-8-1, §26-8-2 and §26-8-3 of said code; to repeal §26-9-1 and §26-9-2 of said code; to repeal §26-10-1 of said code; to repeal §26-11-1, §26-11-2, §26-11-3 and §26-11-4 of said code; to amend and reenact §48-14-401 of said code; to amend and reenact §48-18-101 of said code; and to amend and reenact §49-1-106 of said code, all relating to reorganizing the Department of Health and Human Resources; creating new agencies; creating new secretaries; setting forth qualifications for secretaries; setting forth salaries; setting forth an organizational structure; providing legislative intent; codifying the Office of Shared Administration; setting forth powers of agencies; requiring coordination and cooperating between agencies; rearranging the code to reflect the reorganization of the departments; defining terms; set forth the qualifications of the inspector general; providing the Office of the Inspector General is an independent agency within the department; exempting the Department of Health Facilities from certain laws; removing specific health facilities from the code; requiring reporting; and providing internal effective dates.”

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 2309**, To require the Division of Forestry to create an online renewal process no later than July 1, 2023; 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. 129**), 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: Dillon.

Absent and Not Voting: Bridges, Fehrenbacher and E. Pritt.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2309) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 2540**, Travel Insurance Model Act; 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. 130**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Chiarelli, Longanacre and E. Pritt.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2540) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 2605**, Relating to Good Samaritan law; 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. 131**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Bridges and E. Pritt.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2605) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 2817**, Relating to Public Service Commission jurisdiction over alternative fuel for motor vehicles; 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. 132**), and there were—yeas 92, nays 4, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Dean, Dillon, Martin and Vance.

Absent and Not Voting: Bridges, Hillenbrand, Mallow and E. Pritt.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2817) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3044**, Relating to the annual fee for limited video lottery terminal permits; on third reading, coming up in regular order, was read a third time.

Delegate Martin requested to be excused from voting under the provisions of House Rule 49.

The Speaker ruled that the Delegate was a member of a class of persons possibly to be affected and directed the Member to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 133**), and there were—yeas 68, nays 28, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Barnhart, Brooks, Burkhammer, Butler, Coop-Gonzalez, Dillon, Fast, Ferrell, A. Hall, Hanna, Holstein, Honaker, Jeffries, Jennings, Keaton, Kelly, Kimble, Kirby, Kump, Linville, Longanacre, Pinson, Ross, Street, Toney, Vance, Ward and Worrell.

Absent and Not Voting: Bridges, Hillenbrand, Mallow and E. Pritt.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3044) passed.

Delegate Jeffries moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 134**), and there were—yeas 76, nays 21, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Brooks, Burkhammer, Butler, Coop-Gonzalez, Dillon, Fast, Ferrell, A. Hall, Hanna, Honaker, Jennings, Kimble, Kump, Longanacre, Pinson, Ross, Street, Toney, Vance, Ward and Worrell.

Absent and Not Voting: Bridges, Mallow and E. Pritt.

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. 3044) 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. 3098**, Relating to the West Virginia Summative Assessment and formative assessment; 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. 135**), and there were—yeas 87, nays 10, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Butler, Coop-Gonzalez, Dean, Dillon, Foggin, Kimble, Ridenour, Ross, Shamblin and Steele.

Absent and Not Voting: Bridges, Foster and E. Pritt.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3098) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3113**, Requiring high school students to complete course of study in personal finance; 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. 136**), 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, Foster, Kimble and Summers.

Absent and Not Voting: Bridges and E. Pritt.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3113) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 3199**, Relating to removing the requirement that an ectopic pregnancy be reported; 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. 137**), and there were—yeas 65, nays 31, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Adkins, Barnhart, Brooks, Burkhammer, Butler, Chiarelli, Coop-Gonzalez, Dean, Dillon, Fast, A. Hall, Hanna, Honaker, Horst, Jeffries, Keaton, Kimble, Kirby, Longanacre, Martin, McGeehan, Nestor, Pinson, C. Pritt, Ridenour, Ross, Steele, Thorne, Vance, Ward and Worrell.

Absent and Not Voting: Bridges, Devault, Foster and E. Pritt.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3199) passed.

Delegate Jeffries moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 138**), and there were—yeas 69, nays 27, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Brooks, Burkhammer, Butler, Chiarelli, Coop-Gonzalez, Dillon, Fast, A. Hall, Hanna, Honaker, Horst, Keaton, Kimble, Kirby, Longanacre, Martin, McGeehan, Nestor, Pinson, C. Pritt, Ridenour, Ross, Steele, Thorne, Vance, Ward and Worrell.

Absent and Not Voting: Bridges, Devault, Foster and E. Pritt.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3199) 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. 3210**, Relating to the performance of installation of propane gas systems; 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. 139**), 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: Jennings.

Absent and Not Voting: Bridges, Foster and E. Pritt.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3210) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3261**, Relating to Social Workers Qualifications; 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. 140**), 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: Bridges, Foster and E. Pritt.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3261) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 3272**, Relating to the operation of private trust companies in West Virginia; 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. 141**), and there were—yeas 92, nays 4, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Dillon, Foggin, Kirby and Vance.

Absent and Not Voting: Bridges, Foster, E. Pritt and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3272) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3302**, To recognize unborn child as distinct victim in a DUI causing death; 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. 142**), 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: Bridges, Foster and E. Pritt.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3302) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3311**, Relating to wine alcohol by volume as compared to beer; 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. 143**), and there were—yeas 68, nays 29, absent and not voting 3, with the yeas and the absent and not voting being as follows:

Nays: Barnhart, Brooks, Burkhammer, Butler, Coop-Gonzalez, Devault, Dillon, Dittman, Fast, Ferrell, Griffith, A. Hall, Hanna, Heckert, Holstein, Honaker, Jeffries, Jennings, Keaton, Kump, Longanacre, Mallow, Mazzocchi, Pinson, Ross, Toney, Vance, Ward and Worrell.

Absent and Not Voting: Bridges, Foster and E. Pritt.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3311) passed.

On motion of Delegate Phillips, the title of the bill was amended to read as follows:

**Com. Sub. for H. B. 3311** – “A Bill to amend and reenact §60-8-2 of the Code of West Virginia, 1931, as amended, relating to the alcohol content of certain wines; changing the alcohol limit of table wine; changing the minimum alcohol content of nonfortified dessert wine.”

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

### Second Reading

**Com. Sub. for S. B. 188**, Grid Stabilization and Security Act of 2023; on second reading, coming up in regular order, was reported by the Clerk.

On motion of Delegate Jeffries, the bill was postponed one day.

**Com. Sub. for S. B. 239**, Requiring Commissioner of Bureau for Behavioral Health to engage certain providers and leaders to study homeless demographic; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for S. B. 243**, Requiring substance use disorder inpatient providers to provide transportation to patients; on second reading, coming up in regular order, was read a second time.

An amendment was recommended by the Committee Prevention and Treatment of Substance Abuse, and adopted, on page 1, section 4, line 4, by striking out the period and inserting a colon and the following: “*Provided, That if the patient’s transportation is being provided under the West Virginia Medicaid non-emergency medical transportation benefit, the patient may not be transported to an out of the state location greater than 30 miles past the West Virginia border.*”

The bill was then ordered to third reading.

**H. B. 2186**, Relating to surgical smoke evacuation; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 2821**, Relating to taxation of gambling and lottery winnings; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Capito, the bill was amended on page 1, section (a), line 3, by striking “2023” and inserting in lieu thereof “2020”.

And,

On page 1, section (a), line 9, by striking the period after the words “gambling activity” and inserting in lieu thereof the following: “: *Provided further that the taxpayer may amend previously filed returns for the 2020, 2021, and 2022 tax years to recognize this decreasing modification. Based on such amended returns as specified herein, any fines, assessments, penalties, or interest levied thereon are void, and returnable to the taxpayer.*”

The bill was then ordered to engrossment and third reading.

**H. B. 2839**, Making a technical correction regarding an incorrect fund name and clarifying applicability to mine lands governed by SMCRA and the Abandoned Mine Lands Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 2896**, Relating to making West Virginia an Agreement State with the U. S. Nuclear Regulatory Commission; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 2993**, Relating to rural emergency hospital licensure; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3122**, Permitting certain types of rifles using an encapsulated propellant charge that loads from the breech; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Capito and Vance, the bill was amended on page 1, section 5l, line 2, immediately following the word “a” by striking the remainder of the section in its entirety and inserting in lieu thereof the following: “single-shot muzzleloading pistol or single-shot muzzleloading rifle, having a bore diameter of not less than thirty-eight one-hundredths of an inch, using an encapsulated propellant charge that loads from the breech, with the projectile loaded from the muzzle, during any established muzzleloader season: *Provided*, That such muzzleloading pistol or muzzleloading rifle may not be used for hunting during the Mountaineer Heritage season.”

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 3200**, Authorize DHHR to transfer state facilities to regional mental health centers or intellectual disability facilities; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3308**, Authorizing PSC consider and issue financing orders to certain utilities to permit the recovery of certain costs through securitization via consumer rate relief bonds; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3317**, Relating to removing specific continuing education requirements; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3318**, Relating to location of services provided by the Workforce Development Board as related to the one-stop delivery system; on second reading, coming up in regular order, was reported by the Clerk.

On motion of Delegate Jeffries, the bill was postponed one day.

### **First Reading**

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

**S. B. 275**, Adding State Fire Marshals to statute included with law enforcement and first responders that receive information on school safety requirements,

**H. B. 3215**, Relating to land use,

**H. B. 3218**, Relating to requiring suicide prevention resources be printed on student identification cards,

And,

**H. B. 3328**, Authorizing the Hatfield-McCoy Regional Recreation Authority to contract to build and maintain trails on privately owned property.

### **Leaves of Absence**

At the request of Delegate Jeffries, and by unanimous consent, leaves of absence for the day were granted Delegates Bridges and E. Pritt.



**Miscellaneous Business**

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

**H. B. 2541:** Delegate Rohrbach;

**H. B. 2980:** Delegate Mazzocchi;

**H. B. 3059:** Delegates Holstein and Riley;

**H. B. 3092:** Delegates Longanacre Young;

**H. B. 3168:** Delegates Espinosa and Riley;

**H. B. 3187:** Delegate Holstein;

**H. B. 3192:** Delegate Toney;

**H. B. 3202:** Delegate Barnhart;

**H. B. 3203:** Delegate Hornby;

**H. B. 3250:** Delegate Mazzocchi;

**H. B. 3313:** Delegates Longanacre and Thorne;

**H. B. 3367:** Delegate Nestor;

**H. B. 3387:** Delegate Espinosa;

**H. B. 3443:** Delegate Hall;

And,

**H. B. 3493:** Delegate Holstein.

Pursuant to House Rule 94b, form was filed with the Clerk's Office to be removed as a cosponsor of the following:

**H. B. 2916:** Delegate Smith;

And,

**H. B. 3367:** Delegate Pinson.

At 1:12 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, February 15, 2023.

---

Wednesday, February 15, 2023

**THIRTY-SIXTH 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, February 14, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Reordering of the Calendar**

Pursuant to the action of the Committee on Rules, Delegate Kimble announced that Com. Sub. for S. B. 188 and Com. Sub. for H. B. 2471, on Second Reading, Special Calendar, had been transferred to the House Calendar.

**Committee Reports**

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2305**, Relating to titling and registration of foreign market vehicles,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 2305) was referred to the Committee on Government Organization.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 3440**, Relating to costs of relocating public utility facilities, lines, or systems for certain highway construction projects,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 3440) was referred to the Committee on Finance.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 3326**, Relating to Privacy of Social Care information,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 3326) was referred to the Committee on the Judiciary.

Delegate Anderson, Chair of the Committee on Energy and Manufacturing, submitted the following report, which was received:

Your Committee on Energy and Manufacturing has had under consideration:

**Com. Sub. for S. B. 439**, Establishing design-build program for DEP,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Technology and Infrastructure.

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 439) was referred to the Committee on Technology and Infrastructure.

Delegate Anderson, Chair of the Committee on Energy and Manufacturing, submitted the following report, which was received:

Your Committee on Energy and Manufacturing has had under consideration:

**H. B. 3335**, Providing for enhanced damages for non-payment of royalties due from oil, natural gas, or natural gas liquids production,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 3335) was referred to the Committee on the Judiciary.

Delegate Anderson, Chair of the Committee on Energy and Manufacturing, submitted the following report, which was received:

Your Committee on Energy and Manufacturing has had under consideration:

**H. B. 3304**, Providing an exemption from the severance tax for coal sold to coal-fired power plants located within the State of West Virginia,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 3304) was referred to the Committee on Finance.

Delegate Summers, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 2498**, To require medication-assisted treatment programs to have written policies concerning community relations,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2498** - "A Bill to amend and reenact §16-5Y-6 of the Code of West Virginia, 1931, as amended, relating to requiring written policies of medication-assisted treatment programs; requiring public notice; and requiring specific written policies,"

**H. B. 2848**, Water and Sewer Operator licensing reciprocity,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2848** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-9g, related to modifying the requirements for out of state wastewater operators to obtain a license in the state; setting forth application requirements; and providing a waiver,"

And,

**H. B. 3101**, Relating to notification of breast density,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3101** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5A-6, relating to the notification of breast density; and providing for medical guidelines and information,"

With the recommendation that the committee substitutes each do pass.

Delegate Summers, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 3430**, To prohibit the bureau from assessing a fee upon local health departments,

And reports the same back with the recommendation that it do pass.

Delegate Summers, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**Com. Sub. for S. B. 89**, Requiring hospitals to staff qualified personnel to perform sexual assault forensic exams,

And reports the same back, with amendment, with the recommendation that it do pass, as amended.

Delegate Nestor, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. J. R. 1**, Guaranteeing the right of the citizens of West Virginia to hunt and fish,

And reports the same back, with amendment, with the recommendation that it be adopted, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. J. R. 1) was referred to the Committee on the Judiciary.

Delegate Nestor, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 3313**, Restraining county commissions from imposing rules and regulations on farmers beyond what is already prescribed through state statute,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 3313) was referred to the Committee on the Judiciary.

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. R. 12**, Encouraging Monongahela Power to purchase Pleasants Power Station,

And reports the same back with the recommendation that it be adopted.

At the request of Delegate Kimble, and by unanimous consent, the resolution (H. R. 12) was taken up for immediate consideration.

On the question of the adoption of the resolution, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 144**), and there were—yeas 93, nays 2, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Hansen and Young.



Absent and Not Voting: Bridges, Griffith, E. Pritt, Storch and Willis.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution 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:

**H. B. 2150**, Requiring parents or guardians to participate in programs for juveniles in an out-of-home placement,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2150** - "A Bill to amend and reenact §49-4-712 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §49-4-712a, all relating to requiring parents, guardians, or custodians to participate in programs for juveniles in an out-of-home placement unless there is a finding by the court that said participation is not in the best interest of the juvenile; requiring certain services to include programs that require the participation of parents, guardians, or custodians unless there is a finding by the court that said participation is not in the best interest of the juvenile; requiring provisions in a valid court order to enforce certain compliance mandating that parents, guardians, or custodians participate in programs for juveniles in an out-of-home placement; and requiring parents, guardians, or custodians to participate in programs designed for out-of-home placement including family therapy sessions offered by the treatment provider unless there is a finding by the court that said participation is not in the best interest of the juvenile,"

With the recommendation that the committee substitute do pass.

Delegate Storch, Chair of the Committee on Pensions and Retirement, submitted the following report, which was received:

Your Committee on Pensions and Retirement has had under consideration:

**H. B. 2026**, A bill to transfer municipal police officers from the Public Employees Retirement System to the Municipal Police Officers and Firefighters Retirement System,

**H. B. 2134**, To modify the teacher retirement system so that Tier 2 teachers may use annual/sick leave towards retirement,

And,

**H. B. 3211**, Relating to authorizing service credit for unused accrued annual or sick leave days for use in determining retirement benefits from the municipal police and fire firefighter retirement systems still administered by municipalities,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended, but that they first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bills (H. B. 2026, H. B. 2134 and H. B. 3211) were each referred to the Committee on Finance.

Delegate Storch, Chair of the Committee on Pensions and Retirement, submitted the following report, which was received:

Your Committee on Pensions and Retirement has had under consideration:

**H. B. 3244**, Relating to Municipal Pensions Oversight Board proposing legislative rules,

**H. B. 3280**, To cause law enforcement and DNR agencies whose officers fall under PERS to submit to Tax a report at the time of retirement so that these officers qualify for the law enforcement officers' tax credit,

**H. B. 3299**, Relating to Natural Resource Police Officer Retirement,

And,

**H. B. 3364**, Requiring the closure of certain municipal policemen's and firemen's pension and relief funds as condition of issuance of pension funding revenue bonds,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bills (H. B. 3244, H. B. 3280, H. B. 3299 and H. B. 3364) were each referred to the Committee on Finance.

Delegate Howell, Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

**H. B. 3428**, Relating to the West Virginia Business Ready Sites Program,

And reports the same back with the recommendation that it do pass.

Delegate Howell, Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

**H. B. 3094**, To create the Remote Worker Home Development Act,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 3094) was referred to the Committee on Finance.

Delegate Howell, Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

**H. B. 3392**, Relating to dedication of \$30 million dollars of any budget surplus at the end of the fiscal year to the Development Office Promotion and Closing Fund,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 3392) was referred to the Committee on Finance.

Delegate Howell, Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

**H. B. 3147**, To create the Upper Ohio Valley Trail Network,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3147** - "A Bill to amend and re-enact §20-17A-1 and §20-17A-2 of the Code of West Virginia, 1931, as amended, and by adding thereto a new article, designated §20-17B-1, §20-17B-2, §20-17B-3, §20-17B-4, and §20-17B-5, all relating to the expansion of the Mountaineer Trail Network Recreation Authority and the creation of the Upper Ohio Valley Trail Network Recreation Authority; providing for legislative findings and purposes; providing for interconnection of recreational trail networks; providing for the continuation of the Upper Ohio Valley Trail Network Recreation Authority and the establishment of the

recreation area; providing recreational purposes; providing for a governing body and expenses; and providing for protection for private landowners,”

With the recommendation that the committee substitute do pass.

### **Messages from the Executive**

A communication from His Excellency, the Governor, advised that on February 14, 2023, he approved **H B. 2564, H. B. 2776 and H. B. 2777.**

### **Messages from the Senate**

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. 2800,** All relating to authorizing legislative rules regarding higher education.

On motion of Delegate Kimble, the House concurred in the following amendment of the bill by the Senate:

On page 13, section 3, lines 109 and 110, by striking out all of subsection (ee) and inserting in lieu thereof a new subsection (ee), to read as follows:

“(ee) The legislative rule filed in the State Register on July 21, 2022 (Annual Reauthorization of Degree-Granting Institutions) is authorized, with the following amendment:

On page 13 by adding a new subsection designated 12.23 to read as follows: Nothing in this rule in any way affects or limits the due process protections or other protections afforded to proprietary schools under either W. Va. Code § 18B-2B-9 or 135 C.S.R. 35, *Business, Occupational, and Trade Schools.*”

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. 145**), 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, Griffith, Linville, E. Pritt, Shamblin, Skaff, Storch and Willis.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2800) passed.

Delegate Kimble moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 146**), 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: Bridges, Griffith, E. Pritt, Shamblin, Skaff, Storch and Willis.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2800) takes effect from its passage.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 3061**, Relating to updating the authority of the Foster Care Ombudsman.

On motion of Delegate Kimble, 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 9. FOSTER CARE OMBUDSMAN PROGRAM.****§49-9-101. The Foster Care Ombudsman.**

(a) There is continued within the Office of the Inspector General the position of the West Virginia Foster Care Ombudsman. The Office of the Inspector General shall employ a Foster Care Ombudsman to affect the purposes of this article.

(b) In addition to the duties provided in §9-5-27 of this code, the duties of the Foster Care Ombudsman include, but are not limited to, the following:

(1) Establishing a statewide procedure to receive, investigate, and resolve complaints:

(A) Filed on behalf of a child who is subject to a reported allegation of abuse and neglect, a child who has died or sustained a critical incident, a child in the juvenile justice system, a foster child, foster parent, or kinship parent; or

(B) On the Foster Care Ombudsman’s own initiative, of a child who is subject to a reported allegation of abuse and neglect, a child who has died or sustained a critical incident, a child in the juvenile justice system; or

(C) On the Foster Care Ombudsman’s own initiative, on behalf of a foster child, relating to action, inaction, or decisions of the state agency, child-placing agency, or residential care facility which may adversely affect the foster child, foster parent, or kinship parent;

(2) Review periodically and make appropriate recommendations for the policies and procedures established by any state agency providing services to ~~foster children, foster parents, kinship parents, including, but not limited to, the system of providing foster care and treatment~~ the child welfare system;

(3) Pursuant to an investigation, provide assistance to ~~a foster child, foster parent, or kinship parent~~ an individual who the Foster Care Ombudsman determines is in need of assistance, including,

but not limited to, collaborating with an agency, provider, or others on behalf of the best interests of the ~~foster~~ child;

(4) Recommend action when appropriate, including, but not limited to, undertaking legislative advocacy and making proposals for systemic reform and formal legal action, in order to secure and ensure the legal, civil, and special rights of ~~foster children; who reside in this state~~ children in the child welfare system and the juvenile justice system;

(5) Conduct programs of public education when necessary and appropriate;

(6) Have input into the creation of, and thereafter make recommendations consistent with, the foster children, foster parents, and kinship parents bill of rights;

(7) Take appropriate steps to advise the public of the services of the Foster Care Ombudsman, the purpose of the ombudsman, and procedures to contact the office; and

(8) Make inquiries and obtain assistance and information from other state governmental agencies or persons as the Foster Care Ombudsman requires for the discharge of his or her duties.

(c) (1) The Foster Care Ombudsman or his or her staff may not be compelled to testify or produce evidence in any judicial or administrative proceeding with respect to the identity of an individual providing information to the ombudsman as part of an official investigation, or the substance of that person's report to the ombudsman as part of an official investigation. All memoranda, work product, notes, or case files developed and maintained as part of an official investigation of the Foster Care Ombudsman Office are confidential and are not subject to discovery, subpoena, or other means of legal compulsion, and are not admissible as evidence in a judicial or administrative proceeding.

(2) The ombudsman may be compelled to provide testimony by a court or administrative body of competent jurisdiction related to any action carried out by the office that is unrelated to the substance of a specific official investigation, or reports submitted



to the Legislative Oversight Commission on Health and Human Resources Accountability provided for in §9-5-27 and §49-9-102 of this code. Should the ombudsman be compelled to testify, provide evidence in discovery, respond to a subpoena, or otherwise divulge testimony or evidence in any judicial, administrative, or legislative proceeding, the ombudsman may not be compelled to provide testimony or evidence concerning the identity of any complainant or any individual providing information to the ombudsman as part of an official investigation, or the substance of any complaint or report unless the ombudsman should decline to exercise that privilege. The purpose of this provision is to ensure a level of confidentiality between the ombudsman and a person reporting to, complaining to, or providing other evidence to the ombudsman as part of an official investigation carried out by the office.

(3) Any objection by the ombudsman to the disclosure of any testimony, documentary, or physical evidence shall be reviewed by the presiding official of such tribunal, in camera, upon the request of the ombudsman, and the presiding official shall prevent the disclosure of the identity of any complainant, witness, or reporter as well as the substance of their complaint, testimony, or report.

### **§49-9-102. Investigation of complaints.**

(a) Upon receipt of a complaint ~~filed on behalf of a foster child, foster parent, or kinship parent, on his or her own initiative~~ or by court order within the scope of the Foster Care Ombudsman Program, the Foster Care Ombudsman shall investigate, except as provided in §49-9-102(c) of this code, any act, practice, policy, or procedure of any state agency, child-placing agency, juvenile facility, or residential care facility which affects the health, safety, welfare, or rights of a foster child, a foster parent, a child who is subject to a reported allegation of abuse and neglect, a child who has died or sustained a critical incident, a child in the juvenile justice system, or a kinship parent.

(b) Investigative activities of the Foster Care Ombudsman include, but are not limited to: information gathering, mediation, negotiation, informing parties of the status of the investigation,

notification to any aggrieved party of alternative processes, reporting of suspected violations to a licensing or certifying agency, and the reporting of suspected criminal violations to the appropriate authorities.

(c) The Foster Care Ombudsman need not investigate any complaint upon determining that:

(1) The complaint is trivial, frivolous, vexatious, or not made in good faith;

(2) The complaint has been too long delayed to justify present investigation;

(3) The resources available, considering the established priorities, are insufficient for an adequate investigation;

(4) The matter complained of is not within the investigatory authority of the Foster Care Ombudsman; or

(5) A real or apparent conflict of interest exists and no other person within the office is available to investigate the complaint in an impartial manner.

(d) The Office of the Inspector General and other appropriate state governmental agencies may establish and implement cooperative agreements for receiving, processing, responding to, and resolving complaints involving state governmental agencies under the provisions of this section.

(e) ~~Beginning with the third quarter of 2020, the~~ The Foster Care Ombudsman shall submit ~~a~~ an annual written report to the Governor containing:

(1) The number of complaints;

(2) The types of complaints;

(3) The location of the complaints;

(4) How the complaints are resolved; and

(5) Any other information the Foster Care Ombudsman feels is appropriate.

(f) ~~Beginning in December 2020, the~~ The Foster Care Ombudsman shall summarize the ~~quarterly~~ reports and present that information to the Legislative Oversight Commission on Health and Human Resources Accountability. Nothing shall preclude the Foster Care Ombudsman office from submitting data, findings, or reports beyond this annual report.

(g) Another office, department, agency, or official may not prohibit the release of an ombudsman's recommendations to the Governor and the Legislature.

#### **§49-9-107. Confidentiality of investigations.**

(a) Information relating to any investigation of a complaint that contains the identity of the complainant, a child who is subject to a reported allegation of abuse and neglect, a child who has died or sustained a critical incident, a child in the juvenile justice system, ~~or a~~ foster child, foster parent, or kinship parent shall remain confidential except:

(1) ~~Where disclosure is authorized in writing by the complainant foster child, foster parent, kinship parent, or the guardian.~~ Where imminent risk of serious harm is communicated directly to the Foster Care Ombudsman or his or her staff;

(2) Where disclosure is necessary to the bureau ~~for Children and Families~~ in order for such office to determine the appropriateness of initiating an investigation regarding potential abuse, neglect, or emergency circumstances; or

(3) Where disclosure is necessary to the Office of Health Facility Licensure and Certification in order for such office to determine the appropriateness of initiating an investigation to determine facility compliance with applicable rules of licensure, certification, or both.

(b) The Foster Care Ombudsman shall maintain confidentiality with respect to all matters including the identities of

complainants, witnesses, or others from whom information is acquired, except insofar as disclosures may be necessary to enable the Foster Care Ombudsman to carry out duties of the office or to support recommendations.

(c) Notwithstanding any other section within this article, all information, records, and reports received by or developed by the Foster Care Ombudsman Program which relate to a foster child, foster parent, or kinship parent, including written material identifying a foster child, foster parent, or a child who is subject to a reported allegation of abuse and neglect, a child who has died or sustained a critical incident, a child in the juvenile justice system, or kinship parent, are confidential pursuant to §49-5-101 *et seq.* of this code and are not subject to the provisions of §29B-1-1 *et seq.* of this code, and may not be disclosed or released by the Foster Care Ombudsman Program, except under the circumstances enumerated in this section.

~~(e)~~ (d) Nothing in this section prohibits the preparation and submission by the Foster Care Ombudsman of statistical data and reports, as required to implement the provisions of this article or any applicable federal law, exclusive of any material that identifies any foster child, foster parent, kinship parent, or complainant.

~~(d)~~ (e) The Inspector General shall have access to the records and files of the Foster Care Ombudsman Program to verify its effectiveness and quality where the identity of any complainant, a child who is subject to a reported allegation of abuse and neglect, a child who has died or sustained a critical incident, a child in the juvenile justice system, or foster child, foster parent, or kinship parent is not disclosed.”

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. 147**), 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, Griffith, E. Pritt, Skaff, Storch and Willis.

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. 3061) passed.

Delegate Kimble moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 148**), 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, Griffith, E. Pritt, Storch and Willis.

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. 3061) takes effect from its passage.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 31** - “A Bill to amend and reenact §31-15A-17c of the Code of West Virginia, 1931, as amended, relating to permissible expenditures by the Water Development Authority from the Infrastructure Fund; modifying the upper limit of funds which may be transferred in to subaccount; raising the cap on total project costs for certain facilities for use of Critical Needs and Failing Systems Sub Account funding; and allowing the authority to grant infrastructure grant money from the Critical Needs and Failing Systems Sub Account to certain projects for the upgrading of a water facility or wastewater facility to reduce maintenance costs, operations costs, or waterline leakages”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 99** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-28, relating to meetings among county boards of education; and establishing procedures for potential consolidation of school districts”; which was referred to the Committee on Education.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2023, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 274** - “A Bill to amend and reenact §18-2E-10 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-5-18a of said code; to amend and reenact §18-9A-5 of said code; and to amend and reenact §18-20-10 of said code, all relating to enhancing academic achievement of students including those with learning disabilities; establishing the Third Grade Success Act; replacing transformative system of support for early literacy with multi-tiered system of support for early literacy and numeracy in kindergarten through grade three; revising findings; defining ‘science of reading’; revising inclusions in West Virginia Board of Education rules required to effectuate Third Grade Success Act section; requiring each county board to adopt high-quality instructional materials; specifying data to be used to inform the classroom teacher’s recommendation on grade level retention; requiring county boards of education to provide in-service training for early childhood classroom assistant teachers, aides, classroom teachers, and in certain instances, interventionists in grades kindergarten through three; updating deadlines for West Virginia Board of Education multi-tiered system of support for early literacy and numeracy reports; modifying provisions pertaining to funding for Third Grade Success Act section; requiring retention in the third grade in certain circumstances; specifying exceptions to third grade retention requirement; adding maximum teacher-pupil ratio for pre-kindergarten; adding

maximum early childhood classroom assistant teacher or aide-pupil ratio for kindergarten through grade three; phasing in early childhood classroom assistant teacher/aide requirement for grades one through three; allowing county boards to employ an interventionist instead of an early childhood assistant teacher or aide; removing requirement for survey of districts on class overcrowding and report to the Legislative Oversight Commission on Education Accountability a tailored plan for reducing class overcrowding; phasing in increased ratios of service personnel per 1,000 students for the purpose of determining the basic foundation allowance for service personnel; revising findings; making recognitions regarding dyslexia and dyscalculia; and replacing responsibilities of the West Virginia Board of Education pertaining to specific learning disabilities, including dyslexia and dyscalculia, with duties of the state education agency and the local education agencies, including the public charter schools”; which was referred to the Committee on Education then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 409** - “A Bill to amend and reenact §64-10-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Commerce to promulgate legislative rules; authorizing the rules as filed, as modified, as modified and amended, and as amended by the Legislative Rule-Making Review Committee and as amended by Legislature; relating to authorizing the West Virginia Department of Economic Development to promulgate a legislative rule relating to the Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program; relating to authorizing the Division of Labor to promulgate a legislative rule relating to the West Virginia Board of Manufactured Housing Construction and Safety; relating to authorizing the Division of Labor to promulgate a legislative rule relating to supervision of plumbing work; relating to authorizing the Division of Labor to promulgate a legislative rule relating to regulation of heating,

ventilating, and cooling work; relating to authorizing the Division of Labor to promulgate a legislative rule relating to registration of service persons and service agencies; relating to authorizing the Division of Labor to promulgate a legislative rule relating to registration of weighing and measuring devices used by businesses in commercial transactions; relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to hunting, fishing, and other outfitters and guides; relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to commercial whitewater outfitters; relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to special motorboating regulations; and relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to miscellaneous permits and licenses”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 478** - “A Bill to amend and reenact §11-21-12m and §11-21-25 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-24-10a of said code, to amend and reenact §18-30-3 of said code; and to amend and reenact §18-30A-3, §18-30A-10, §18-30A-11, and §18-30A-13 of said code, all relating generally to the Jumpstart Savings Program; clarifying that the entire amount of an account distribution used for certain qualified expenses is subject to reducing personal income tax modification; clarifying that the amount of an account distribution is only subject to reducing personal income tax modification to the extent that the amount is not allowable as certain federal deductions; establishing an increasing personal income tax modification for account distributions used for nonqualified expenses and previously applied toward the reducing personal income tax modification for account contributions; defining terms; providing that an employer may not claim a tax credit for matching contributions to an account if the employer is the account owner or



account beneficiary; providing that an employer may not claim both the reducing personal income tax modification and the matching credit for an amount contributed to an employee's account; permitting employers to claim matching credit for certain amounts allowable as federal tax deductions; eliminating a definition related to an obsolete account; defining terms; expanding the occupations and professions in which an individual may incur qualified expenses; eliminating the minimum deposit required to open an account and for certain opening incentive deposits; authorizing the board to establish a minimum deposit to open an account or for certain opening incentive deposits; establishing retroactive internal effective date of January 1, 2023, for certain provisions; and making technical and clarifying corrections to reporting requirements"; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 481** - "A Bill to amend and reenact §5B-2-15 of the Code of West Virginia, 1931, as amended, relating to extending the sunset provision of the Upper Kanawha Valley Resiliency and Revitalization Program"; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 527** - "A Bill to amend and reenact §7-1-31l of the Code of West Virginia, 1931, as amended, relating to extending the right to receive copies or view, free of charge, copies of the discharge certificate or report of separation from active duty to the family members of persons discharged from the United States Armed Forces"; which was referred to the Committee on Veterans' Affairs and Homeland Security then the Judiciary.

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. C. R. 7**, Amending Joint Rules of Senate and House of Delegates.

### **Resolutions Introduced**

Resolutions were introduced and severally referred as follows:

**By Delegates Skaff, Griffith, Hornbuckle, Pushkin and Garcia:**

**H. R. 15** – “Proclaiming that the State of West Virginia supports admitting Washington, D.C. into the Union as a state of the United States of America”; to the Committee on the Judiciary then Rules.

**By Delegates Howell, Burkhammer, Clark, Hott, Martin, Nestor, Phillips and Ward:**

**H. C. R. 39** – “Requesting the Department of Highways study the possibility of turning US 48 into Interstate 66”; to the Committee on Technology and Infrastructure then Rules.

**By Delegate Toney:**

**H. C. R. 40** – “Requesting the Division of Highways name Bridge Number: 41-001/00-004.14 (41A261), (37.95885, -81.48386) locally known as DOROTHY BRIDGE, carrying CR 01 over CLEAR FORK in Raleigh County, the ‘USMC Larry Allen “Crocky” Holstein, Jr. Memorial Bridge””; to the Committee on Technology and Infrastructure then Rules.

### **Special Calendar**

#### **Third Reading**

**Com. Sub. for S. B. 239**, Requiring Commissioner of Bureau for Behavioral Health to engage certain providers and leaders to study homeless demographic; 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. 149**), 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, Griffith, E. Pritt, Storch and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 239) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

**Com. Sub. for S. B. 243**, Requiring substance use disorder inpatient providers to provide transportation to patients; 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. 150**), and there were—yeas 82, nays 13, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Fluharty, Foster, Gearheart, A. Hall, Hanna, Hansen, Hornbuckle, Nestor, Pushkin, Steele, Vance, Walker and Young.

Absent and Not Voting: Bridges, Griffith, E. Pritt, Storch and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 243) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 2186**, Relating to surgical smoke evacuation; 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. 151**), and there were—yeas 92, nays 3, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Foster, Hardy and Smith.

Absent and Not Voting: Bridges, Griffith, E. Pritt, Storch and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2186) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 2821**, Relating to taxation of gambling and lottery winnings; 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. 152**), and there were—yeas 72, nays 23, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Barnhart, Burkhammer, Butler, Coop-Gonzalez, Dillon, Dittman, Fast, Ferrell, A. Hall, Hanna, Holstein, Horst, Jennings, Kelly, Kump, Longanacre, Pinson, Ross, Street, Toney, Vance, Ward and Worrell.

Absent and Not Voting: Bridges, Griffith, E. Pritt, Storch and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2821) passed.

On motion of Delegate Criss, the title of the bill was amended to read as follows:

**Com. Sub. for H. B. 2821** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12n, relating to authorizing for taxable years beginning on and after January 1, 2020, a decreasing modification reducing federal adjusted gross income for state personal income tax purposes in amount of certain West Virginia gaming and gambling losses, not to exceed the amount of West Virginia gaming and gambling winnings, for the taxable year; allowing taxpayer to amend previously filed returns for the 2020, 2021, and 2022 tax years to recognize this decreasing modification; providing that based on such amended returns as specified herein, any fines, assessments, penalties, or interest levied thereon are void, and returnable to the taxpayer; requiring detailed records substantiating losses; and placing burden of proving any loss on taxpayer.”

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 2839**, Making a technical correction regarding an incorrect fund name and clarifying applicability to mine lands governed by SMCRA and the Abandoned Mine Lands Act; 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. 153**), and there were—yeas 94, nays 1, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Vance.

Absent and Not Voting: Bridges, Griffith, E. Pritt, Storch and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2839) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 2896**, Relating to making West Virginia an Agreement State with the U. S. Nuclear Regulatory Commission; 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. 154**), and there were—yeas 91, nays 4, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Dean, Dillon, A. Hall and Vance.

Absent and Not Voting: Bridges, Griffith, E. Pritt, Storch and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2896) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 2993**, Relating to rural emergency hospital licensure ; 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. 155**), 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, Griffith, E. Pritt, Storch and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2993) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3122**, Permitting certain types of rifles using an encapsulated propellant charge that loads from the breech; 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. 156**), 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, Griffith, E. Pritt, Storch and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3122) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3200**, Authorize DHHR to transfer state facilities to regional mental health centers or intellectual disability facilities ; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 157**), 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: Dillon.

Absent and Not Voting: Bridges, Griffith, E. Pritt, Storch, Ward and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3200) passed.

Delegate Kimble moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 158**), 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: Dillon.

Absent and Not Voting: Bridges, Griffith, E. Pritt, Storch, Ward and Willis.

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. 3200) 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. 3308**, Authorizing PSC consider and issue financing orders to certain utilities to permit the recovery of certain costs through securitization via consumer rate relief bonds; 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. 159**), 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: Dillon.

Absent and Not Voting: Bridges, Griffith, Nestor, E. Pritt, Storch and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3308) passed.



Delegate Kimble moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 160**), 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: Dillon.

Absent and Not Voting: Bridges, Griffith, Nestor, E. Pritt, Storch and Willis.

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. 3308) 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. 3317**, Relating to removing specific continuing education requirements; 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. 161**), and there were—yeas 89, nays 5, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Keaton, Riley, Smith, Steele and Vance.

Absent and Not Voting: Bridges, Griffith, Nestor, E. Pritt, Storch and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3317) passed.

Delegate Kimble moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 162**), 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: Vance.

Absent and Not Voting: Bridges, Griffith, Nestor, E. Pritt, Storch and Willis.

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. 3317) takes effect from its passage.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

### Second Reading

**S. B. 275**, Adding State Fire Marshals to statute included with law enforcement and first responders that receive information on school safety requirements; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for H. B. 2062**, Establish rules and regulations for e-bikes in West Virginia that more closely comport to federal law; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 2515**, Require agencies to develop and maintain an inventory of available services for single parents wanting to obtain degrees, secure training or reenter the workforce; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 2587**, To reflect that County Sheriffs will be required to include a breakdown of the distribution of where a citizens taxes will be paid; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 2638**, Authorizing certain agencies of the Department of Administration to promulgate legislative rules; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 2640**, Authorizing certain agencies of the Department of Environmental Protection to promulgate legislative rules; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Kimble, and by unanimous consent, the bill was advanced to third reading with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

**Com. Sub. for H. B. 2820**, To provide HOPE Scholarship recipients with the ability to play sports; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3012**, To encourage economic development regarding rare earth elements and critical minerals, as defined, by providing temporary severance tax relief; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3110**, Relating to funding the Office of Oil and Gas in the Department of Environmental Protection; on second reading, coming up in regular order, was reported by the Clerk.

On motion of Delegate Kimble, the bill (Com. Sub. for H. B. 3110) was recommitted to the Committee on Finance.

**Com. Sub. for H. B. 3168**, Ensuring investment in WV Tourism is competitive with other states and accessible long term; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3190**, Amending the definition of “minor”; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3192**, Abolishing the Center for Nursing and transferring its duties and authorities to the Higher Education Policy Commission; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3215**, Relating to land use; on second reading, coming up in regular order, was reported by the Clerk.

On motion of Delegate Kimble, the bill was postponed one day.

**H. B. 3218**, Relating to requiring suicide prevention resources be printed on student identification cards; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3286**, Relating to an additional modification decreasing federal taxable income; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3293**, Relating generally to identifying and educating exceptional children exhibiting indicators or diagnosed with dyslexia or dyscalculia; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3318**, Relating to location of services provided by the Workforce Development Board as related to the one-stop delivery system; on second reading, coming up in regular order, was read a second time.

On motion of Delegate McGeehan, the bill was amended on page 3, section 4, line 69 by striking paragraph (D) in its entirety and inserting a new (D) to read as follows:

“(D) Notwithstanding the entirety of this section, the board will develop policies that ensure the one-stop delivery system

prioritizes delivery of services, to include case management services, unemployment services, job services, and all other services encompassed and incorporated by the WIOA, to include the local area of the service seeking resident and from outside the resident's local area. This shall include making local services from a resident's local area and physical location be made an option, where such option may not be made available where local representatives are not available."

The bill was then ordered to engrossment and third reading.

**H. B. 3328**, Authorizing the Hatfield-McCoy Regional Recreation Authority to contract to build and maintain trails on privately owned property; on second reading, coming up in regular order, was read a second time.

An amendment sponsored by Delegate Dillon was reported by the Clerk, which amendment was withdrawn.

The bill was ordered to engrossment and third reading.

### **Leaves of Absence**

At the request of Delegate Kimble, and by unanimous consent, leaves of absence for the day were granted Delegates Bridges, Griffith, E. Pritt, Storch and Willis.

### **Miscellaneous Business**

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

**H. B. 2035:** Delegate Keaton;

**H. B. 2089:** Delegate Hornby;

**H. B. 2900:** Delegate Pinson;

**H. B. 3075:** Delegate Foster;

**H. B. 3233:** Delegate Hott;

**H. B. 3493:** Delegate Martin;

**H. B. 3494:** Delegates Ferrell, Heckert, Hott, Steele, Willis and Zatezalo;

**H. B. 3503:** Delegates Coop-Gonzalez, Hanna, Hornby, Horst, Keaton, Kirby, Longanacre, McGeehan and Phillips;

**H. C. R. 15:** Delegate Mazzocchi;

And,

**H. J. R. 25:** Delegate Mazzocchi.

Pursuant to House Rule 94b, a form was filed with the Clerk's Office to be removed as a cosponsor of the following:

**H. B. 3230:** Delegate Heckert.

At 12:44 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 16, 2023.

---

Thursday, February 16, 2023

**THIRTY-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 Wednesday, February 15, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

**H. J. R. 17**, Providing for the election of members of the State Board of Education,

And reports the same back, with amendment, with the recommendation that it be adopted, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the resolution (H. J. R. 17) was referred to the Committee on the Judiciary.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

**H. B. 3046**, Fast Track for Agriculture Education Endorsement,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3046** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-43, relating to the creation of the Fast Track for Agriculture Education Endorsement Program,"

With the recommendation that the committee substitute do pass.

Delegate Ellington, Chair of the Committee on Education submitted the following report, which was received:

Your Committee on Education has had under consideration:

**H. B. 3547**, Increasing the number of personal leave days that county board of education employees may use,

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference to the Committee on Finance be dispensed with.

In the absence of objection, reference of the bill (H. B. 3547) to the Committee on Finance was abrogated.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

**H. B. 2619**, Amending Hope Scholarship eligibility,

And,

**H. B. 3371**, Relating to federal funds for land-grant institutions,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on Finance.



In accordance with the former direction of the Speaker, the bills (H. B. 2619 and H. B. 3371) were each referred to the Committee on Finance.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

**H. B. 3223**, To create a Special Education Instructor Entitlement,

And,

**H. B. 3546**, Providing for contracted employment of substitute teachers for 180 instructional days,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended, but that they first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, H. B. 3223 was referred to the Committee on Finance and, pursuant to House Rule 80, the Speaker also referred H. B. 3546 to the Committee on Finance.

Delegate Phillips, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 3353**, Relating to the limitations on the financial relationships with foreign entities that have values antithetical to those of the State of West Virginia,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 3353) was referred to the Committee on the Judiciary.

Delegate Phillips, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 3092**, Relating to in-state food service permit reciprocity,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3092** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-2-18, relating to in-state food service permit reciprocity; providing no additional fees; clarifying application procedure and conditions; and providing a requirement to review and modernize legislative rules,”

With the recommendation that the committee substitute do pass.

Delegate Phillips, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 2955**, Relating to the establishment and operation of regional water, wastewater and stormwater authorities,

And,

**Com. Sub. for H. B. 3278**, Relating to the practice of optometry,

And reports the same back with the recommendation that they each do pass.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

**H. B. 2607**, Clarify that vehicles with a capacity larger than 10 passengers may be used to transport students provided that no more than 10 passengers may be transported at one time,

**H. B. 3376**, Relating to changing the term teacher in residence to clinical teacher of record,

**H. B. 3408**, To clean up statutory provisions regarding the Hope Scholarship program to better reflect the intent and operation of the program,

**H. B. 3441**, Revising the training requirements for members of the Higher Education Policy Commission, Council for Community and Technical College Education and the institutional governing boards,

**H. B. 3548**, Relating to teacher duty-free lunch and daily planning periods,

And,

**H. B. 3549**, Relating to classroom teachers and special education classroom teachers individualized education program requirements,

And reports the same back with the recommendation that they each do pass.

Delegate Rohrbach, Chair of the Committee on Prevention and Treatment of Substance Abuse, submitted the following report, which was received:

Your Committee on Prevention and Treatment of Substance Abuse has had under consideration:

**H. B. 3114**, Deny severance pay to employees of DOT for failure or refusal of drug testing,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 3114) was referred to the Committee on the Judiciary.

Delegate Rohrbach, Chair of the Committee on Prevention and Treatment of Substance Abuse, submitted the following report, which was received:

Your Committee on Prevention and Treatment of Substance Abuse has had under consideration:

**H. B. 2035**, Providing tax credits for hiring those in recovery for substance abuse,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2035) was referred to the Committee on Finance.

Delegate Martin, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 2939**, Relating to filing of lien by municipalities for collection of refuse fees,

**H. B. 3206**, To establish a system to remediate fiscal emergencies of local governments, and to modernize the process for dissolution of municipal corporations in this State,

**H. B. 3230**, Allow the mayors of class three and four towns to also serve as the chief of police,

And,

**H. B. 3435**, To revise the process for political subdivision to combine,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 2939, H. B. 3206, H. B. 3230 and H. B. 3435) were each referred to the Committee on the Judiciary.

Delegate Martin, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 3075**, To clarify that municipal B&O taxes shall only apply to the owner of a contract, and not to subcontractors on a project,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 3075) was referred to the Committee on Finance.

Delegate Jennings, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

**H. C. R. 15**, Requesting That the Joint Committee on Government and Finance send official correspondence to West Virginia's federal delegations stating West Virginia veterans' concerns and objections to the two TRICARE for Life ("TFL") proposals,

And reports the same back with the recommendation that it be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolution (H. C. R. 15) was referred to the Committee on Rules.

Delegate Mallow, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

**H. B. 2860**, To dispose of old AFFF foam accumulated by fire departments.

And,

**H. B. 3026**, To allow volunteer fire fighters to participate on fire scenes with department training captain approval prior to completing fireman 1 and 2,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bills (H. B. 2860 and H. B. 3026) were each referred to the Committee on Government Organization.

Delegate Mallow, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

**H. B. 2760**, To allow CPR fire fighters to drive ambulances when both attendants are needed to administer patient care.

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 2760) was referred to the Committee on Government Organization.

Delegate Mallow, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

**H. B. 3153**, Relating to distribution of certain taxes and surcharges to benefit volunteer and part-volunteer fire departments and emergency medical services providers,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 3153) was referred to the Committee on Finance.

Delegate Howell, Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

**H. B. 3370**, Creating loan program for certain properties and developments on U. S. Army Corps of Engineers land, state parks and resorts,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 3370) was referred to the Committee on Finance.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

**H. B. 3166**, To permit a hospital to hold a patient experiencing a psychiatric emergency for up to 72 hours,

And,

**Com. Sub. for S. B. 10**, Campus Self-Defense Act,

And reports the same back with the recommendation that they each do pass.

Delegate Criss, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**H. B. 2900**, Relating to the Deputy Sheriff Retirement System,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2900** - “A Bill to amend and reenact §7-14D-24a of the Code of West Virginia, 1931, as amended, relating to the Deputy Sheriff Retirement System; allowing certain retired members to be re-employed without the suspension of annuity benefits; and setting forth conditions for the re-employment of retired members,”

**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,

And reports back a committee substitute therefor, 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,”

**H. B. 3005**, Relating to accelerating the conversion of the state excise tax on the privilege of transferring real property into a county excise tax,

And reports back a committee substitute therefor, as follows:



**Com. Sub. for H. B. 3005** - “A Bill to amend and reenact §11-22-2 of the Code of West Virginia, 1931, as amended, relating to accelerating the conversion of the state excise tax on the privilege of transferring real property into a county excise tax,”

**Com. Sub. for H. B. 3110**, Relating to funding the Office of Oil and Gas in the Department of Environmental Protection,

And reports back a revised committee substitute therefor, as follows:

**Revised Com. Sub. for H. B. 3110** – “A Bill to amend and reenact §11-13A-5a of the Code of West Virginia, 1931, as amended, and to amend and reenact §22-6-2, §22-6-29, and §22-6A-7 of said code; all relating to funding the Office of Oil and Gas in the Department of Environmental Protection; providing for the apportionment of three fourths of one percent of oil and gas severance taxes to Office of Oil and Gas; establishing three tiers of annual oversight fees for certain wells producing more than 10,000 cubic feet of gas per day; increasing the expedited permit modification fee by \$2500 over the current level; eliminating the one million dollar cap on deposits to the Oil and Gas Operating Permit and Processing Fund from collections of fees for expedited permits and expedited permit modifications; providing that those fees, if not used for other purposes, may be moved to the Oil and Gas Reclamation Fund; and making technical corrections”,

**H. B. 3148**, Relating to financing municipal policemen’s and firemen’s pension and relief funds,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3148** - “A Bill to amend and reenact §8-22-16 and §8-22-20 of the Code of West Virginia, 1931, as amended, all relating to financing options for municipal policemen’s and firemen’s pensions and relief funds; prohibiting municipalities from using the conservation method of financing for their municipal policemen’s and firemen’s pension and relief funds; and providing that certain municipalities may convert to

either the optional method or optional II method of financing under certain circumstances,”

And,

**H. B. 3233**, Relating generally to uniform and equipment allowances for the National Guard,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3233** - “A Bill to amend and reenact §15-1B-11 of the Code of West Virginia, 1931, as amended, relating generally to uniform and equipment allowances for the National Guard,”

With the recommendation that the committee substitutes each do pass.

Delegate Criss, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**H. B. 2283**, Relating to authorized expenditures of revenues from certain state funds for fire departments,

**H. B. 2937**, To reduce the business license fee for WV Volunteer Fire Departments to \$250,

And,

**H. B. 3340**, To revise the West Virginia Tax Increment Financing Act,

And reports the same back with the recommendation that they each do pass.

Delegate Jennings, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

**H. B. 3315**, Relating generally to readiness enhancement and commission bonuses,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 3315) was referred to the Committee on Finance.

### **Messages from the Executive**

A communication from His Excellency, the Governor, advised that on February 15, 2023, he approved **Com. Sub. for H B. 2530** and **H. B. 2533**.

### **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. 2412**, Declaring November 14 every year, a special Memorial Day in remembrance of the Marshall University airplane crash.

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. 2882**, Making a supplemental appropriation to the Department of Economic Development.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 467** - “A Bill to amend and reenact §7-7-4 of the Code of West Virginia, 1931, as amended, relating to providing county commissioners an ongoing mechanism to consider compensation increases for elected officials every two years”; which was referred to the Committee on Government Organization.

### **Resolutions Introduced**

Resolutions were introduced and severally referred as follows:

**By Delegates Howell, Clark, Crouse, DeVault, Dittman, Fehrenbacher, A. Hall, Hanna, Hornbuckle, Hornby, Hott, Marple, Pinson, Sheedy, Skaff, Storch, Street, Thorne and Willis:**

**H. C. R. 38** – “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”; to the Committee on Technology and Infrastructure then Rules.

**By Delegate Linville:**

**H. C. R. 41** – “Requesting the Division of Highways name bridge number 06-049/00-008.51 (06A239), locally known as the Decker Adkins Bridge, carrying County Road 49 over Madison Creek in Cabell County, the ‘U. S. Army PFC Herman H. Lucas Memorial Bridge’”; to the Committee on Technology and Infrastructure then Rules.

**By Delegates Ellington, Gearheart and Smith:**

**H. C. R. 42** – “Requesting the Division of Highways name Bridge Numbers: 28-077/00-010.89 (NB & SB) (28A200, 28A201), (37.38675, -81.05430) locally known as I-77 NB & SB OVER WV 20, carrying IS 77 over Mercer County Route 20 in Mercer, the ‘U. S. Army SSG William Joseph “Will” Thompson Memorial Bridge’”; to the Committee on Technology and Infrastructure then Rules.

**By Delegate Westfall:**

**H. C. R. 43** – “Requesting the Division of Highways name Bridge Number: 18-021/22-003.26 (18A089), {38.83606,-81.67273} locally known as SYCAMORE BRIDGE #3 (SSWB), carrying CR 21/22 over SYCAMORE CREEK in Jackson county, the ‘U. S. Navy Quartermaster C. E. “Red” Landfried Memorial Bridge””; to the Committee on Technology and Infrastructure then Rules.

**By Delegates Fast and Brooks:**

**H. C. R. 44** – “Requesting the Division of Highways name bridge number 10-041/00-000.29 (10A065), (37.85603, -81.06700) locally known as Strecherneck Bridge, carrying WV 41 over the CSX Railroad in Fayette County, the ‘U. S. Army PV2 Harold Richard Plumley Memorial Bridge””; to the Committee on Technology and Infrastructure then Rules.

**Motions**

Delegate Kelly asked and obtained unanimous consent to return to the Third Order of Business for further consideration of H. B. 3353.

Delegate Kelly then asked and obtained unanimous consent to return to further consideration of H. B. 3353.

In the absence of objection, second reference of the bill (H. B. 3353) to the Committee on the Judiciary was abrogated.

**Special Calendar****Third Reading**

**S. B. 275**, Adding State Fire Marshals to statute included with law enforcement and first responders that receive information on school safety requirements; 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. 163**), and there were—yeas 98, nays none,

absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Bridges and Hanna.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 275) passed.

**Com. Sub. for H. B. 2062**, Establish rules and regulations for e-bikes in West Virginia that more closely comport to federal law; 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. 164**), and there were—yeas 87, nays 9, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Brooks, Burkhammer, Kump, C. Pritt, Pushkin, Ridenour, Street, Vance and Ward.

Absent and Not Voting: Barnhart, Bridges, Hanna and Hite.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2062) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Delegate Ellington having raised a point of order regarding a title amendment for S. B. 275, the Speaker ruled the point well taken.

Whereupon,

On motion of Delegate Ellington, the title of the bill was amended to read as follows:

**S. B. 275** – “A Bill to amend and reenact §18-9F-10 of the Code of West Virginia, 1931, as amended, relating to adding State

Fire Marshals to the list of persons who receive information related to school safety requirements.”

*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. 2515**, Require agencies to develop and maintain an inventory of available services for single parents wanting to obtain degrees, secure training or reenter the workforce; 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. 165**), 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: Barnhart, Bridges and Hanna.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2515) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 2587**, To reflect that County Sheriffs will be required to include a breakdown of the distribution of where a citizens taxes will be paid; 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. 166**), 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: Barnhart, Bridges, Hanna and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2587) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 2638**, Authorizing certain agencies of the Department of Administration 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. 167**), 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: Barnhart, Bridges, Hanna and Jennings.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2638) passed.

Delegate Kelly moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 168**), 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: Barnhart, Bridges and Hanna.

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. 2638) 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. 2640**, Authorizing certain agencies of the Department of Environmental Protection to promulgate legislative



rules; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

On motion of Delegates Howell and Riley, the bill was amended on page 3, subsection g, line 41, by striking the period and inserting in lieu thereof the following:

“with the following amendment:

On page 2, after subdivision 4.1.b., by inserting a new subdivision 4.1.c. to read as follows:

“4.1.c. This project shall give priority to structures near highly visible traffic areas, tourism corridors, and/or common open space.””

Having been engrossed, the bill was read a third time.

Delegate Espinosa requested to be excused from voting under the provisions of House Rule 49.

The Speaker ruled that the potential impact would not be direct and that the Delegate was a member of a class of persons possibly to be affected, and directed the Member to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 169**), and there were—yeas 92, nays 3, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Dillon, Vance and Ward.

Absent and Not Voting: Barnhart, Bridges, Hanna, Jennings and Storch.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2640) passed.

Delegate Kelly moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 170**), 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, Vance and Ward.

Absent and Not Voting: Barnhart, Bridges, Hanna and Storch.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2640) takes effect from its passage.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 2820**, To provide HOPE Scholarship recipients with the ability to play sports; 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. 171**), and there were—yeas 73, nays 23, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Dean, Ferrell, Fluharty, Garcia, Hansen, Hite, Hornbuckle, Kump, Marple, E. Pritt, Pushkin, Reynolds, Riley, Sheedy, Skaff, Storch, Toney, Vance, Walker, Westfall, Williams, Young and Mr. Speaker.

Absent and Not Voting\*: Barnhart, Bridges, Hanna and Longanacre.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2820) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

\*Delegate Heckert subsequently announced that his vote did not register on Roll No. 171 and the Speaker directed that the Delegate be recorded in the affirmative.

**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; 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. 172**), 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: Brooks, Coop-Gonzalez, Dean, Dillon, Kirby, Longanacre and Vance.

Absent and Not Voting: Bridges and Hanna.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3012) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3168**, Ensuring investment in WV Tourism is competitive with other states and accessible long term; 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. 173**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Dillon, A. Hall and Vance.

Absent and Not Voting: Bridges and Hanna.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3168) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3190**, Amending the definition of “minor”; 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. 174**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Bridges and Hanna.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3190) passed.

On motion of Delegate Capito, the title of the bill was amended to read as follows:

**H. B. 3190** - “A Bill to amend and reenact §61-3C-14b, §61-8A-1, and §61-14-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §61-8-32, all relating to crimes involving minors; amending the definition of minors; clarifying that certain law-enforcement personnel purporting to be a minor may be included in prosecuting certain crimes against minors; creating new criminal offenses and penalties for solicitation of a minor, or purported minor, and traveling to engage the minor, or purported minor, in specified illegal activity; and making technical corrections.”

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 3192**, Abolishing the Center for Nursing and transferring its duties and authorities to the Higher Education Policy Commission; 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. 175**), and there were—yeas 92, nays 3, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Dillon, A. Hall and Vance.

Absent and Not Voting: Bridges, Foster, Hanna, Linville and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3192) passed.

Delegate Kelly moved that the bill take effect July 1, 2023.

On this question, the yeas and nays were taken (**Roll No. 176**), and there were—yeas 92, nays 3, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Dillon, A. Hall and Vance.

Absent and Not Voting: Bridges, Foster, Hanna, Linville and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3192) takes effect July 1, 2023.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 3218**, Relating to requiring suicide prevention resources be printed on student identification cards; 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. 177**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Hanna, Linville and Storch.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3218) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 3286**, Relating to an additional modification decreasing federal taxable 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. 178**), 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: Bridges, Hanna and Storch.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3286) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3293**, Relating generally to identifying and educating exceptional children exhibiting indicators or diagnosed with dyslexia or dyscalculia; 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. 179**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Bridges and Hanna.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3293) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3318**, Relating to location of services provided by the Workforce Development Board as related to the one-stop delivery 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. 180**), 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: Foster.

Absent and Not Voting: Bridges, Hanna and Kirby.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3318) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 3328**, Authorizing the Hatfield-McCoy Regional Recreation Authority to contract to build and maintain trails on privately owned property; 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. 181**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Hanna, Kirby and Linville.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3328) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

### **Second Reading**

**H. B. 3215**, Relating to land use; on second reading, coming up in regular order, was, reported by the Clerk.

Delegate Kelly asked unanimous consent the bill be postponed one day.

Delegate Foster requested the bill be advanced to third reading with amendments pending.

The bill was then postponed one day.

### **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. 89**, Requiring hospitals to staff qualified personnel to perform sexual assault forensic exams,

**Com. Sub. for H. B. 2150**, Requiring parents or guardians to participate in programs for juveniles in an out-of-home placement,

**Com. Sub. for H. B. 2498**, To require medication-assisted treatment programs to have written policies concerning community relations,

**Com. Sub. for H. B. 2848**, Water and Sewer Operator licensing reciprocity,

**Com. Sub. for H. B. 3101**, Relating to notification of breast density,



**Com. Sub. for H. B. 3147**, To create the Upper Ohio Valley Trail Network,

**H. B. 3428**, Relating to the West Virginia Business Ready Sites Program,

And,

**H. B. 3430**, To prohibit the bureau from assessing a fee upon local health departments.

### **Leaves of Absence**

At the request of Delegate Kelly, and by unanimous consent, leaves of absence for the day were granted Delegates Bridges and Hanna.

### **Miscellaneous Business**

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

**H. B. 2092**: Delegate Hornby;

**H. B. 2567**: Delegates Coop- Gonzalez, Foggin and Kump;

**H. B. 2619**: Delegate C. Pritt;

**H. B. 2827**: Delegate Espinosa;

**H. B. 2842**: Delegate Martin;

**H. B. 2862**: Delegate Keaton;

**H. B. 2875**: Delegate Kimble;

**H. B. 3018**: Delegate Fast;

**H. B. 3094**: Delegate Hornbuckle;

**H. B. 3214**: Delegate Jennings;

**H. B. 3305**: Delegates Hornby and Linville;

**H. B. 3408:** Delegates Clark and Hornby;

**H. B. 3443:** Delegate Ridenour;

**H. B. 3457:** Delegate Hillenbrand;

**H. B. 3494:** Delegate Storch;

**H. B. 3505:** Delegate Crouse;

**H. B. 3546:** Delegate Willis;

**H. B. 3547:** Delegate Toney;

**H. B. 3548:** Delegate Toney;

**H. B. 3549:** Delegate Toney;

And,

**H. J. R. 25:** Delegate Dillon.

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be removed as a cosponsor of the following:

**H. B. 2862:** Delegates Hott, Kelly and Riley;

**H. B. 3340:** Delegate Riley;

And,

**H. J. R. 17:** Delegates Clark, Hornby and Willis.

At 12:54 p.m., the House of Delegates adjourned until 9:00 a.m., Friday, February 17, 2023.

---

Friday, February 17, 2023

**THIRTY-EIGHTH DAY**

[DELEGATE HANSHAW, MR. SPEAKER, IN THE CHAIR]

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Thursday, February 16, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

Delegate Howell, Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

**H. B. 3544**, Offering a tax credit to property owners who provide lease land to the state for access for bike trails and rafting/kayaking,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 3544) was referred to the Committee on Finance.

Delegate Howell, Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

**H. B. 3096**, Creating the Distribution and Manufacturing Center Tax Credit Act,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 3096) was referred to the Committee on Finance.

Delegate Howell, Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

**H. B. 3209**, Providing tax credits to incentivize investments and improvements in blighted properties in West Virginia,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 3209) was referred to the Committee on Finance.

Delegate Summers, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 3337**, Prohibiting additional drug and alcohol treatment facilities and services in a certain county,

And reports back a committee substitute therefor, 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,”

With the recommendation that the committee substitute do pass.

Delegate Kelly, D., Chair of the Committee on Jails and Prisons, submitted the following report, which was received:

Your Committee on Jails and Prisons has had under consideration:

**H. B. 3363**, Law Enforcement Officers Safety Act,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 3363) was referred to the Committee on the Judiciary.

Delegate Mazzocchi, Chair of the Committee on Senior, Children, and Family Issues, submitted the following report, which was received:

Your Committee on Senior, Children, and Family Issues has had under consideration:

**H. B. 2946**, Relating to eligibility verification for applicants for public assistance,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2946) was referred to the Committee on the Judiciary.

Delegate Mazzocchi, Chair of the Committee on Senior, Children, and Family Issues, submitted the following report, which was received:

Your Committee on Senior, Children, and Family Issues has had under consideration:

**H. B. 2875**, Clarifying that Circuit Court Judges have the ability/authority to waive the requirement that a party pass a home study performed by the DHHR,

And,

**H. B. 3287**, Providing that records of Department of Health and Human Services of sustained and non-sustained allegations of child abuse or neglect are preserved,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 2875 and H. B. 3287) were each referred to the Committee on the Judiciary.

Delegate Criss, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**Com. Sub. for H. B. 2538**, Requiring usage of child welfare information technology systems,

**H. B. 2827**, Make public charter schools eligible for Safe Schools Funds,

**H. B. 3391**, Establishing filing deadlines for appeals of property tax valuations and issues involving property tax classification and taxability to the West Virginia Office of Tax Appeals,

**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,

And,

**H. B. 3431**, Eliminating the requirement that the apprenticeship training tax credit base be limited to wages paid to apprentices in the construction trades,

And reports the same back with the recommendation that they each do pass.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

**H. B. 3201**, To include electric-powered school busses in the county foundation allowance,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 3201) was referred to the Committee on Finance.

Delegate Howell, Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

**H. B. 3387**, Extending the moratorium on the authorization of new convention and visitors bureaus for an additional two years,

And reports the same back with the recommendation that it do pass.

## **Messages from the Executive and Other Communications**

The Clerk announced that H. B. 2602 was presented to the Governor on February 16, 2023.

## **Messages from the Senate**

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. 29**, Amending Joint Rule 13 of the Joint Rules of the Senate and House that clarifies that when two or more bills amending the same statute are passed in the same session, the last passed controls.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 526** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-66-1, relating to including the early detection and diagnosis of Alzheimer's disease and other dementias in existing public health programs and services”; which was referred to the Committee on Health and Human Resources.

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 Technology and Infrastructure as follows:

**Com. Sub. for S. C. R. 3** – “Requesting the Division of Highways name a portion of Route 92, beginning at point 38.359565, -79.880861 and ending at point 38.163267, -



79.980827, in Pocahontas County, the ‘Dr. Roland P. Sharp Memorial Road’.”

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 Technology and Infrastructure then Rules as follows:

**Com. Sub. for S. C. R. 4** – “Requesting the Division of Highways name bridge number 30-003/05-014.61 (30A290), 37.89328, -82.23771, locally known as Big Rock Beam Span Bridge, carrying CR 3/5 over West Fork of Twelvepole Creek in Mingo County, the ‘U.S. Navy S1 Ira “Noon” Copley and Marie Copley Memorial Bridge’.”

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 Technology and Infrastructure then Rules as follows:

**Com. Sub. for S. C. R. 6** - “Requesting the Division of Highways name bridge number 47-219/00-021.87 (47A060), (39.15277, -79.49617), locally known as Thomas Bridge, carrying U.S. Route 219 over North Fork Blackwater River in Tucker County, the ‘U. S. Army SGT Vincent DiBacco Memorial Bridge’.”

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 Technology and Infrastructure then Rules as follows:

**S. C. R. 8** - “Requesting the Division of Highways name bridge number 10-041/00-000.29 (10A065), (37.85603, -81.06700),

locally known as Strecherneck Bridge, carrying WV 41 over the CSX Railroad in Fayette County, the ‘U. S. Army PV2 Harold Richard Plumley Memorial Bridge’.”

### **Resolutions Introduced**

Resolutions were introduced and severally referred as follows:

#### **By Delegates Toney and Vance:**

**H. C. R. 45** – “Requesting the Division of Highways name a portion of road, being the offramp beginning at the Mullins/Sophia Exit on the Coalfields Expressway, to the end of the offramp at its intersection with WV 54 in Mullens, Wyoming County, the ‘Lewis Joseph D’Antoni Memorial Road’”; to the Committee on Technology and Infrastructure then Rules.

And,

#### **By Delegate Forsht:**

**H. C. R. 46** – “Requesting the Joint Committee on Government and Finance study the current instances of rules enforcement and judication by the same organization and make recommendations for eliminating this practice”; to the Committee on Government Organization then Rules.

### **Special Calendar**

#### **Second Reading**

**Com. Sub. for S. B. 89**, Requiring hospitals to staff qualified personnel to perform sexual assault forensic exams; on second reading, coming up in regular order, was read a second time.

An amendment recommended by the Committee on Health and Human Resources was reported by the Clerk.

Whereupon,

The bill was placed at the foot of all bills on second reading.

**Com. Sub. for H. B. 2150**, Requiring parents or guardians to participate in programs for juveniles in an out-of-home placement;

on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 2498**, To require medication-assisted treatment programs to have written policies concerning community relations; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Householder, and by unanimous consent, the bill was postponed one day.

**Com. Sub. for H. B. 2848**, Water and Sewer Operator licensing reciprocity; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3101**, Relating to notification of breast density; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3147**, To create the Upper Ohio Valley Trail Network; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3215**, Relating to land use; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Riley and Foster, the bill was amended on page 8, section 8A-4-2, line 45, immediately following the header for subdivision (3), by striking the word “Encourage” and substituting in lieu thereof, the following:

“Guidelines for”.

On motion of Delegate A. Hall, the bill was amended on page 4, section §8A-1-2, line 68, after the word “the” by removing the strikethrough in the word “development” and striking the inserted words “alteration or improvement”.

The bill was then ordered to engrossment and third reading.

**H. B. 3428**, Relating to the West Virginia Business Ready Sites Program; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3430**, To prohibit the bureau from assessing a fee upon local health departments; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Householder, and by unanimous consent, the bill was postponed one day.

The House then returned to consideration of **Com. Sub. for S. B. 89**, Requiring hospitals to staff qualified personnel to perform sexual assault forensic exams.

Whereupon,

The following amendment recommended by the Committee on Health and Human Resources, was adopted, on page 1, by striking everything after the enacting clause and inserting in lieu thereof the following:

**“ARTICLE 9B. SEXUAL ASSAULT EXAMINATION NETWORK.**

**§15-9B-1a. Definitions.**

As used in this article:

(1) ‘Biological evidence’ includes a sexual assault forensic examination kit, semen, blood, saliva, hair, skin tissue, or other identified biological material.

(2) ‘DNA’ means deoxyribonucleic acid. DNA is located in the nucleus of cells and provides an individual’s personal genetic blueprint. DNA encodes genetic information that is the basis of human heredity and forensic identification.

‘Hospital’ means a facility licensed pursuant to the provisions of §16-5B-1 *et seq.* of this code that primarily provides inpatient diagnostic, treatment, or rehabilitative services to the injured,

disabled, or sick persons under the supervision of physicians with a 24-hour emergency department.

~~(3)~~ ‘Nonreported kit’ means a kit collected from an alleged victim who has consented to the collection of the kit, but has not consented to participation in the criminal justice process.

~~(4)~~ ‘Sexual assault forensic examination kit’ or ‘kit’ means a set of materials, including, but not limited to, swabs and tools for collecting blood samples, clothing, or other materials used to gather forensic evidence from a victim of a reported sexual offense and the evidence obtained with the materials.

~~(5)~~ ‘Sexual offense’ means any offense or attempted offense in the jurisdiction of the state in which a sexual assault forensic examination kit is collected, including, but not limited to, the following sections:

(A) §61-8-12 of this code;

(B) §61-8A-2 of this code;

(C) §61-8A-4 of this code;

(D) §61-8A-5 of this code;

(E) Any offenses listed in §61-8B-1 *et seq.* of this code;

(F) Any offenses listed in §61-8C-1 *et seq.* of this code;

(G) Any offenses listed in §61-8D-1 *et seq.* of this code.

~~(6)~~ ‘Unfounded’ means evidence developed after reasonable investigation and supported by proper documentation proving no crime occurred or where the alleged victim has recanted.

§15-9B-4. Submission, testing, and retention of sexual assault forensic examination kits.

(a) The Sexual Assault Forensic Examination Commission created by §15-9B-1 of this code shall establish a subgroup of persons with subject matter expertise to establish best-practice

protocols for the submission, testing, retention, and disposition of sexual assault forensic examination kits collected by health care providers. The commission shall propose rules for legislative approval, in accordance with §29A-3-1 *et seq.* of this code, detailing best-practice protocols. Upon approval of the legislative rules, local sexual assault forensic examination boards shall follow the rules.

(b) Rules promulgated pursuant to subsection (a) of this section shall include:

(1) Time frames for submission of sexual assault forensic examination kits in the possession of law enforcement; ~~and~~

(2) Protocols for storage of DNA samples and sexual assault forensic examination kits; and,

(3) Requiring a hospital to have trained health care provider available or transfer agreement as provided in a county plan, to complete a sexual assault forensic examination. ‘Available’ includes, but not limited, having access to a trained sexual assault forensic examination expert via telehealth.

(c) The commission may promulgate emergency rules pursuant to the provisions of §29A-3-15 of this code in order to implement this section: *Provided*, That no emergency rule may permit the destruction of any DNA evidence.

(d) Upon collection, a sexual assault forensic examination kit shall be submitted for testing by the health care provider to the West Virginia State Police Forensic Laboratory within 30 days of collection or as soon thereafter as practicable. All packaging kits for transmittal and transmittal protocols shall be designed to meet applicable standards for maintaining the efficacy of the sample and chain of custody.

(e) No sexual assault forensic examination kit need be tested where the alleged victim has not consented to the testing, requests that the kit not be tested, where he or she recants as to the allegation of a sexual offense, or the allegation that a sexual offense occurred is determined to be unfounded. If the alleged victim does not

consent to law enforcement involvement, the kit shall be designated a nonreported kit and transmitted to the Marshall University Forensic Science Center.

(f) The Commission shall, in cooperation with the West Virginia State Police, develop protocols for storage of previously tested materials to be made available for secondary testing upon a court order to do so.

(g) Biological evidence obtained through tests of a sexual assault forensic examination kit shall not be destroyed:

(1) During the time period of incarceration of a person whose DNA was identified by the use of the biological evidence, or while the person remains under continued supervision, whichever is later in time; or;

(2) For as long as the offense from which the biological evidence is obtained remains unresolved;

(h) Notwithstanding any provision of this code, or any rule or policy promulgated thereunder, upon completion of the processing and testing set forth in subsection (d) of this section, the sexual assault forensic examination kit shall be transmitted to the appropriate investigating local or state law-enforcement agency which shall retain all identified biological material that is secured in connection with any sexual offense or attempted sexual offense for the periods set forth in subsection (g) of this section.

(i) After processing and testing of a sexual assault forensic examination kit, the West Virginia State Police Laboratory shall transmit the sexual assault forensic examination kit to the appropriate investigating state or local law-enforcement agency through any reasonable means sufficient to establish the proper chain of custody, including, but not limited to, use of the United States Postal Service or hand delivery by appropriate personnel or a law-enforcement officer. The appropriate investigating state or local law-enforcement agency shall preserve the sexual assault forensic examination kit for the period of time prescribed in subsection (g) of this section in a condition where any biological

evidence is suitable for DNA testing. The lack of timely submission, or the inadvertent loss or destruction of a sexual assault forensic examination kit, standing alone, shall not constitute a bar to the prosecution of a sexual offense.

(j) Sexual assault forensic examination kits retained pursuant to this section shall be made available for DNA testing pursuant to §15-2B-7 of this code or pursuant to an appropriate order of a circuit court of competent jurisdiction for secondary testing.

(k) The appropriate investigating state or local law-enforcement agency responsible for retaining the sexual assault forensic examination kit shall obtain approval from the circuit court of competent jurisdiction for the county in which the crime occurred before disposal of any biological evidence. Before the disposal of any sexual assault forensic examination kit, reasonable efforts shall be made to provide written notice to the victim by the prosecuting attorney of the county in which the crime occurred.

(l) Nothing in this section shall be construed as limiting a state or local law-enforcement agency's discretion concerning the conditions under which biological evidence is retained, preserved, or transferred among different entities if the evidence is retained in a condition that is suitable for DNA testing."

The bill was then ordered to third reading.

### **First Reading**

**Com. Sub. for S. B. 10**, Campus Self-Defense Act; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 2283**, Relating to authorized expenditures of revenues from certain state funds for fire departments; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 2607**, Clarify that vehicles with a capacity larger than 10 passengers may be used to transport students provided that no more than 10 passengers may be transported at one time; on first reading,



coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 2900**, Relating to the Deputy Sheriff Retirement System; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**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 first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 2937**, To reduce the business license fee for WV Volunteer Fire Departments to \$250; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 2955**, Relating to the establishment and operation of regional water, wastewater and stormwater authorities; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3005**, Relating to accelerating the conversion of the state excise tax on the privilege of transferring real property into a county excise tax; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3046**, Fast Track for Agriculture Education Endorsement; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3092**, Relating to in-state food service permit reciprocity; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Revised Com. Sub. for H. B. 3110**, Relating to funding the Office of Oil and Gas in the Department of Environmental Protection; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3148**, Relating to financing municipal policemen's and firemen's pension and relief funds; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3166**, To permit a hospital to hold a patient experiencing a psychiatric emergency for up to 72 hours; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3233**, Relating generally to uniform and equipment allowances for the National Guard; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3278**, Relating to the practice of optometry; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3340**, To revise the West Virginia Tax Increment Financing; on first 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.

**H. B. 3353**, Relating to the limitations on the financial relationships with foreign entities that have values antithetical to those of the State of West Virginia; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3376**, Relating to changing the term teacher in residence to clinical teacher of record; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3408**, To clean up statutory provisions regarding the Hope Scholarship program to better reflect the intent and operation of the program; on first 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.

**H. B. 3441**, Revising the training requirements for members of the Higher Education Policy Commission, Council for Community and Technical College Education and the institutional governing boards; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3547**, Increasing the number of personal leave days that county board of education employees may use; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3548**, Relating to teacher duty-free lunch and daily planning periods; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3549**, Relating to classroom teachers and special education classroom teachers individualized education program requirements; on first reading, coming up in regular order, was read a first time and ordered to second reading.

### **Miscellaneous Business**

Pursuant to House Rule 94b, a form was filed with the Clerk's Office to be added as a cosponsor of the following:

**H. B. 3487**: Delegate Tully.

At 10:04 a.m., the House of Delegates adjourned until 11:00 a.m., Monday, February 20, 2023.

---

Monday, February 20, 2023

**FORTY-FIRST DAY**

[DELEGATE HANSHAW, MR. SPEAKER, IN THE CHAIR]

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Friday, February 17, 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 H. B. 3430, on Second Reading, Special Calendar, had been transferred to the House Calendar.

**Committee Reports**

Delegate Howell, Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

**H. B. 3300**, To provide for the creation of an “EV Manufacturers Investment Credit”,

And,

**H. B. 3305**, Creating the Small Business and Entrepreneurship Act,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bills (H. B. 3300 and H. B. 3305) were each referred to the Committee on Finance.

Delegate Howell, Chair of the Committee on Economic Development and Tourism submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

**H. B. 3444**, Relating to the creation of the West Virginia Semiquincentennial Commission and Fund,

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference to the Committee on Government Organization be dispensed with.

In the absence of objection, reference of the bill (H. B. 3444) to the Committee on Government Organization was abrogated.

Delegate Howell, Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

**H. B. 3442**, Creating of the Mountain Bike Responsibility Act,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 3442) was referred to the Committee on the Judiciary.

Delegate Howell, Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

**H. B. 3342**, Relating to cooperation between municipal and county economic,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 3342) was referred to the Committee on Finance.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 3498**, Relating to the Consumer Data Protection Act and establishing a framework for controlling and processing personal data in the State,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 3498) was referred to the Committee on Finance.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 3214**, To create the Road Optimization & Assessment Data (ROAD) Pilot Project,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3214** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-25, relating to creation of the ‘Road Optimization and Assessment Data (R.O.A.D.) Pilot Program’; legislative findings and purpose; Commissioner of Highways to promulgate rules; and specifics to be contained in rules to determine how best to maintain roads and highways,”

With the recommendation that the committee substitute do pass.

Delegate Linville, Chair of the Committee on Technology and Infrastructure submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. C. R. 2**, Cpl. Billy F. Mann Memorial Bridge,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. C. R. 2** - “Requesting the Division of Highways name bridge number 32-023/03-000.17 (32A097), locally known as Cooks Fort Bridge, carrying CR 23/3 over Indian Creek in Monroe County, the ‘U. S. Army CPL Billy F. Mann Memorial Bridge’,”

With the recommendation that the committee substitute be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolution (Com. Sub. for H. C. R. 2) was referred to the Committee on Rules.

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. 2483**, Creating a tax credit for improving facades in historic districts,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2483** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-8i; and to amend said code by adding thereto a new section, designated §11-24-23h, all relating to reducing income tax liability for taxpayers who improve certain building facades in historic districts; providing for a tax credit of the replacement cost of historic facades; providing for a reduction in federal adjusted gross income in certain circumstances for certain replacement costs of historic facades; setting forth conditions; providing for application; and requiring rulemaking,”

**H. B. 2759**, Relating to updating the health care provider tax,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2759** - “A Bill to amend and reenact §11-27-39 of the Code of West Virginia, 1931, as amended, relating to updating the rate of a certain health care provider tax and expand the practitioners eligible for payment fee schedules,”

**H. B. 3409**, Relating to authorizing application of the manufacturing investment tax credit and the manufacturing property tax adjustment credit against personal income tax,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3409** - “A Bill to amend and reenact §11-13S-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-13Y-5 of said code, all relating to authorizing application of the manufacturing investment tax credit and the manufacturing property tax adjustment credit against personal income tax; defining terms; deleting superannuated language; specifying application of tax credit; specifying effective date; and making stylistic revisions,”

And,

**H. B. 3450**, Relating generally to racetrack video lottery and the Licensed Racetrack Modernization Fund,



And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3450** - “A Bill to amend and reenact §29-22A-10 of the Code of West Virginia, 1931, as amended, all relating to racetrack video lottery; providing for certain transfers to and from the Licensed Racetrack Modernization Fund; and specifying eligible purposes for recoupment of funds on deposit in facility modernization account within the Licensed Racetrack Modernization Fund,”

With the recommendation that the committee substitutes each do pass.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. C. R. 4**, Jon D. Wayt Memorial Bridge,

**H. C. R. 14**, Stanley and Evelyn See Memorial Bridge,

**H. C. R. 16**, Staff Sgt. J.J. “Junior” Spurrier Memorial Bridge,

**H. C. R. 21**, Michael Lee “Rube” Ruben Memorial Bridge,

**H. C. R. 22**, U.S. Army T/5 Doyle Bedell Taylor Memorial Bridge,

**H. C. R. 24**, U. S. Army PFC Herman H. Lucas Memorial Bridge,

**H. C. R. 25**, U. S. Marine Corps, PFC John Louis “Johnny” Brumbaugh, Jr. Memorial Bridge,

**H. C. R. 26**, U.S. Army SGT Samuel D. Roberts Sr. Memorial Bridge,

**H. C. R. 28**, Terra Dawn Lewis Memorial Road and Bridge,

And,

**H. C. R. 32**, The Albert “Ab” Baisden Memorial Bridge,

And reports the same back with the recommendation that they each be adopted, but that they first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolutions (H. C. R. 4, H. C. R. 14, H. C. R. 16, H. C. R. 21, H. C. R. 22, H. C. R. 24, H. C. R. 25, H. C. R. 26, H. C. R. 28 and H. C. R. 32) were each referred to the Committee on Rules.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 3397**, Relating to broadband and political subdivisions,  
And,

**H. B. 3412**, Relating generally to broadband,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended, but that they first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 3397 and H. B. 3412) were each referred to the Committee on the Judiciary.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 3473**, Creating a workgroup relating to Dig Once Policy,

And reports the same back with the recommendation that it do pass.

Delegate Summers, Chair of the Committee on Health and Human Resources submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 3487**, Relating to cost-sharing calculations for certain Health Savings Account-qualified High Deductible Health Plans,

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference to the Committee on Finance be dispensed with.

In the absence of objection, reference of the bill (H. B. 3487) to the Committee on Finance was abrogated.

Delegate Summers, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 3274**, Creating the Affordable Medicaid Buy-in Program,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3274** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-31, all relating to requiring the Bureau of Medical Services to apply for waiver,”

With the recommendation that the committee substitute do pass, and with the recommendation that second reference to the Committee on the Judiciary be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for H. B. 3274) to the Committee on the Judiciary was abrogated.

Delegate Worrell, Chair of the Committee on Workforce Development, submitted the following report, which was received:

Your Committee on Workforce Development has had under consideration:

**H. C. R. 27**, Requesting Joint Committee on Government and Finance study all benefits of state employees to determine which benefits, if any, may be refused by an employee in exchange for a cash equivalent,

And reports the same back with the recommendation that it be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolution (H. C. R. 27) was referred to the Committee on Rules.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 3059**, Give PSC authority to fine Class I railroads for safety and operational violations,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3059** - "A Bill to amend and reenact §31-2A-2 of the Code of West Virginia, 1931, as amended; and to amend said Code by adding thereto a new article, designated §24-2G-1, §24-2G-2, §24-2G-3, §24-2G-4, §24-2G-5, §24-2G-6, §24-2G-7, §24-2G-8, §24-2G-9, §24-2G-10, §24-2G-11, §24-2G-12, §24-2G-13, §24-2G-14, §24-2G-15, §24-2G-16, §24-2G-17, §24-2G-18, and §24-2G-19; and to amend said Code by adding thereto a new section designated as §54-1-9a, all relating to railroads; relating to railroad administration powers of the Public Service Commission; providing a definition; clarifying regulation of service applicable to railroads; providing exceptions; allowing for inquiries into management of railroads and investigation into violations of interstate commerce law; allowing for inquiries into

neglect or violations of law; authorizing examinations and production of books and papers; providing for forfeiture for refusal to comply with subpoena; requiring annual statement to commission and identification of officers and directors; providing a prohibition against directing a violation of law; creating a duty to provide adequate service and facilities; directing that charges conform to schedule; requiring maintenance of depots, switches, and sidetracks; recognizing commission's authority over private tracks; prohibiting unlawful preference; prohibiting violations of article; providing rulemaking authority; requiring railroad companies to provide alternative entry and exit ways in certain circumstances; regulating fiber optic broadband lines crossing railroads; legislative findings and purpose; definitions; notice of intent to cross; conditions of crossing; one-time standard cumulative crossing fee; flagging expenses; crossing within another public right of way; crossing abandoned track; petition by railroad to circuit court for relief; petition by broadband provider for relief; and broadband provider crossing of state property that is crossed by a railroad or property managed by the state that is crossed by a railroad,"

With the recommendation that the committee substitute do pass.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

**H. B. 2016**, Relating to confidential childcare records,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2016** - "A Bill to amend and reenact §49-5-101 of the Code of West Virginia, 1931, as amended, relating to releasing information to facilitate care of a child; providing for qualified disclosure of confidential information between certain entities; requiring the disclosed records to be maintained in compliance with code; and requiring the department to provide electronic access to certain information,"

**H. B. 2567**, Relating to felony trespassing,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2567** - “A Bill to amend and reenact §61-3B-2 and §61-3B-3 of the Code of West Virginia, 1931, as amended, relating to creating a misdemeanor criminal penalty for unlawful trespass into the home of another person; creating a felony criminal penalty for second or subsequent offenses of unlawful trespass into the home of another person; creating affirmative defenses to prosecution; providing a definition; and increasing criminal penalties for certain trespass crimes from misdemeanors to felonies,”

**H. B. 2648, H. B. 2649, H. B. 2650, H. B. 2651, H. B. 2652, H. B. 2653, H. B. 2654, H. B. 2655, H. B. 2656, H. B. 2657, H. B. 2658, H. B. 2659, H. B. 2660, H. B. 2661, H. B. 2662, H. B. 2663, H. B. 2664, H. B. 2665, H. B. 2648**, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to procedures pertaining to the Dangerousness Assessment Advisory Board,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2648** - “A Bill to amend and reenact §64-5-1 *et seq.* of the Code of West Virginia, 1931, as amended, and to amend and reenact §16-12-2 of said code; all relating to generally authorizing certain agencies of the Department of Health and Human Resources to promulgate legislative rules; authorizing the rules as filed, as modified, and as disapproved by the Legislative Rule-Making Review Committee and as amended by the Legislature and directing certain agencies of the Department of Health and Human Resources to amend current legislative rules; relating to authorizing the Bureau of Public Health to promulgate a legislative rule relating to procedures pertaining to the Dangerousness Assessment Advisory Board; relating to authorizing the Bureau of Public Health to promulgate a legislative rule relating to standards for local boards of health; relating to authorizing the Bureau of Public Health to promulgate a legislative rule relating to medical examiner requirements for postmortem

inquiries; relating to authorizing the Bureau of Public Health to promulgate a legislative rule relating to Medical Cannabis Program - grower and processors; relating to authorizing the Bureau of Public Health to promulgate a legislative rule relating to Medical Cannabis Program – dispensaries; relating to authorizing the Health Care Authority to promulgate a legislative rule relating to financial disclosures; relating to authorizing the Health Care Authority to promulgate a legislative rule relating to the Uniform Bill Database; relating to directing the Department of Health and Human Resources to promulgate a legislative rule relating to food establishments; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to development of methodologies to examine needs for substance use disorder treatment facilities within the state; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the Core Behavioral Health Crisis Services System; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to child care centers licensing; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults and vulnerable and transitioning youth group homes and programs in West Virginia; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to family child care facility licensing requirements; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to informal and relative family child care home registration requirements; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to informal and relative family child care home registration requirements; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to out-of-school-time child care center licensing requirements; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to goals for foster children; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to deemed head start child

care center licenses; relating to authorizing the Department of Health and Human Resources and the Insurance Commissioner to promulgate a legislative rule relating to All-Payers Claims Database - Submission Manual; and relating to authorizing the Department of Health and Human Resources and the Insurance Commissioner to promulgate a legislative rule relating to All-Payer Claims Database – Data Submission Requirements,”

**H. B. 2862**, Relating generally to requirements for shareholder voting by the West Virginia Investment Management Board and the Board of Treasury Investments,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2862** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-6-11a; and to amend and reenact §12-6C-13 of said code, all relating generally to requirements for shareholder voting by the West Virginia Investment Management Board and the Board of Treasury Investments; defining terms; setting forth applicability of new requirements; establishing the standard of care for shareholder voting; prohibiting the boards from relying on proxy advisory services unless the service provider agrees to make recommendations according to the standard of care; prohibiting the boards from entrusting direct holdings to any manager unless the manager agrees to cast proxy votes according to the standard of care; requiring a contractual agreement between the boards and their fiduciaries that the boards be provided advance notice and the opportunity to advise fiduciaries with respect to certain shareholder votes; prohibiting the boards’ fiduciaries from casting the shareholder votes for the purpose of furthering non-pecuniary interests; requiring the boards to exercise any proxy voting choice options for indirect holdings according to the standard of care; creating certain waivers of the requirements after reasonable efforts; establishing reporting requirements related to shareholder voting; and creating effective dates,”

**H. B. 3341**, To allow cigar bars,

And reports back a committee substitute therefor, as follows:



**Com. Sub. for H. B. 3341** - “A Bill to amend the Code of West Virginia, as amended, by adding thereto a new section, designated §16-9A-11, relating to permitting cigar bars and cigar lounges to operate in West Virginia resorts; and providing for guidelines for resort cigar bars and lounges,”

And,

**H. B. 3479**, Creating requirements for use of unmanned aircraft,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3479** - “A Bill to amend and reenact §61-16-1 and §61-16-2 of the Code of West Virginia, 1931, as amended, all relating to unmanned aircraft; adding definitions; requiring compliance with all federal laws and regulations relating to such vehicles; and creating criminal offenses and penalties for certain conduct using an unmanned aircraft system,”

With the recommendation that the committee substitutes each do pass.

On motion for leave, a bill was introduced (Originating in the Committee on Jails and Prisons and reported with the recommendation that it do pass), which was read by its title, as follows:

**By Delegates Brooks, Phillips, Honaker and Hott:**

**H. B. 3552** - “A Bill to amend and reenact §15A-3-16 of the Code of West Virginia, 1931, as amended, relating to per diem jail costs; and providing authority for counties to seek reimbursement from certain municipalities for certain per diem costs.”

## **Messages from the Executive**

### **and Other Communications**

A communication from His Excellency, the Governor, advised that on February 17, 2023, he approved **H. B. 2835**, **S. B. 4** and **S. B. 241**.

### **Messages from the Senate**

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. 13**, Make 2nd week of February of every year a week of recognition of the Boy Scouts of America.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2023, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 151** - “A Bill to amend and reenact §11-21-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-21-3a; and to amend and reenact §11-21-20 of said code, all relating to levying a tax on a pass-through entity’s income apportioned to West Virginia for pass-through entities that elect to pay West Virginia income tax at the entity level; defining terms; imposing a tax on pass-through entities which elect to pay West Virginia income tax at the entity level; authorizing an income tax credit for an owner for such tax paid; providing for a tax credit for income tax paid to another state; and providing effective dates”; which was referred to the Committee on Finance.

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. 275**, Adding State Fire Marshals to statute included with law enforcement and first responders that receive information on school safety requirements.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 452** - “A Bill to amend and reenact §16-5V-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-5V-36, all relating to the Emergency Medical Services Retirement System; defining and amending terms related to county firefighters, medical examination, and 911 personnel; and adding a severability section”; which was referred to the Committee on Pensions and Retirement then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 453** - “A Bill to amend and reenact §18-5G-6 and §18-5G-10 of the Code of West Virginia, 1931, as amended, all relating to public charter schools; providing for successor liability and delinquent retirement contributions; and including retirement contribution payments as payroll obligation in distribution of assets”; which was referred to the Committee on Pensions and Retirement then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 458** - “A Bill to amend and reenact §5-10D-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5-10D-14, all relating to the Consolidated Public Retirement Board; setting the rate of interest on delinquent retirement contribution submissions; and prohibiting employer unilateral termination without legislative action”; which was referred to the Committee on Pensions and Retirement then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 474** - “A Bill to amend and reenact §8-33-4b of the Code of West Virginia, 1931, as amended, relating to require the municipal pensions oversight board to propose legislative rules”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 579** - “A Bill recognizing and declaring certain claims against agencies of the state to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 609** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5D-1-5c, relating to the approval of decommissioning or deconstructing an existing power plant; providing for rule-making authority; and exempting certain power plants from approval requirement”; which was referred to the Committee on Energy and Manufacturing.

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:

**S. C. R. 14** - “Supporting the Medal of Valor nominees recommended by the First Responders Honor Board.”

## **Special Calendar**

### **Third Reading**

**Com. Sub. for S. B. 89**, Requiring hospitals to staff qualified personnel to perform sexual assault forensic exams; 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. 182**), 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, Jeffries, Kirby, Linville, Westfall and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 89) passed.

On motion of Delegate Summers, the title of the bill was amended to read as follows:

**Com. Sub. for S. B. 89** – “A Bill to amend and reenact §15-9B-1a and §15-9B-4 of the Code of West Virginia, 1931, as amended, all relating to sexual assault forensic examinations; defining terms; requiring legislative rules; requiring hospitals to have health care providers available to conduct sexual assault forensic examinations.”

*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. 2150**, Requiring parents or guardians to participate in programs for juveniles in an out-of-home placement; 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. 183**), 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: Steele.

Absent and Not Voting: Bridges, Jeffries, Kirby, Linville, Westfall and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2150) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 2848**, Water and Sewer Operator licensing reciprocity; 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. 184**), 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, Jeffries, Kirby, Linville, Westfall and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2848) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3101**, Relating to notification of breast density; 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. 185**), 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, Jeffries, Kirby, Linville, Westfall and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3101) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3147**, To create the Upper Ohio Valley Trail Network; 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. 186**), and there were—yeas 92, nays 2, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Dillon and Vance.

Absent and Not Voting: Bridges, Jeffries, Kirby, Linville, Westfall and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3147) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 3215**, Relating to land use; 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. 187**), and there were—yeas 90, nays 4, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Dillon, Fast, Longanacre and Vance.

Absent and Not Voting: Bridges, Jeffries, Kirby, Linville, Westfall and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3215) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 3428**, Relating to the West Virginia Business Ready Sites Program; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 188**), and there were—yeas 89, nays 5, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Dean, Dillon, McGeehan, C. Pritt and Vance.

Absent and Not Voting: Bridges, Jeffries, Kirby, Linville, Westfall and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3428) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

### Second Reading

**Com. Sub. for S. B. 10**, Campus Self-Defense Act; on second reading, coming up in regular order, was read a second time.

Delegates Hornbuckle and Walker moved to amend the bill on page 37, section 5b, line 57, following the words “study areas” by striking out the period, inserting a colon, and the following proviso:

“*Provided*, That state institutions of higher education may establish residence halls where deadly weapons are prohibited to allow students that do not what to reside in residences where deadly weapon residences are authorized may reside.”



### **Speaker Pro Tempore Espinosa in the Chair**

The question being on adoption of the amendment, the same was put and did not prevail.

Delegates Hansen and Walker moved to amend the bill on page 39, section 5b, lines 102 and 103, by striking out the words “or §61-7-4a”.

The question being on adoption of the amendment, the same was put and did not prevail.

There being no further amendments, the bill was ordered to third reading.

**H. B. 2283**, Relating to authorized expenditures of revenues from certain state funds for fire departments; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 2498**, To require medication-assisted treatment programs to have written policies concerning community relations; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Nestor, the bill was amended on page 1, by striking subsection (d) in its entirety and inserting in lieu thereof a new subsection (d) to read as follows:

“(d) At least 60 days prior to location or re-location, a medication-assisted treatment program shall publish a Class 1 legal advertisement notifying the residents of the county of its desired location of its intent to begin its operation within. Notice shall also be communicated to the desired location’s county commissioners and to the mayor of every municipality within the county by certified mail at least 60 days prior to the program’s location or re-location.

(1) In its correspondence to the county commissioners and mayors, a medication-assisted treatment program shall describe its reasons for selecting the location, and shall detail its policies for

ensuring that its activities will not disrupt any public or private function of the county or of any municipality therein contained;

(2) Not later than 30 days following receipt of notification, the county commission and the municipality wherein the treatment facility is intended to be located shall convene to discuss whether such location should be permitted. A medication-assisted treatment program may not be allowed locate or relocate to a new location without the express approval of the county commission and the municipality wherein it will be located.”

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 2538**, Requiring usage of child welfare information technology systems; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2607**, Clarify that vehicles with a capacity larger than 10 passengers may be used to transport students provided that no more than 10 passengers may be transported at one time; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 2900**, Relating to the Deputy Sheriff Retirement System; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Householder, and by unanimous consent, the bill was postponed one day.

**Com. Sub. for 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 second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2937**, To reduce the business license fee for WV Volunteer Fire Departments to \$250; on second reading, coming

up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2955**, Relating to the establishment and operation of regional water, wastewater and stormwater authorities; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3005**, Relating to accelerating the conversion of the state excise tax on the privilege of transferring real property into a county excise tax; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3046**, Fast Track for Agriculture Education Endorsement; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3092**, Relating to in-state food service permit reciprocity; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Rev. Com. Sub. for H. B. 3110**, Relating to funding the Office of Oil and Gas in the Department of Environmental Protection; on second reading, coming up in regular order, was read a second time.

Delegate Hansen moved to amend the bill on page 8, section 2, lines 55 and 56 by striking out the words “of the first 400 wells” and inserting in lieu thereof the words “for each well”;

And,

On page 8, Section 2, lines 60 and 61 by striking out the words “of the first 400 wells” and inserting in lieu thereof the words “for each well”;

And

On page 9, Section 2, lines 66 and 67 by striking out the words “of the first 4,000 wells” and inserting in lieu thereof the words “for each well”.

The question being on adoption of the amendment, the same was put and did not prevail.

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 3148**, Relating to financing municipal policemen’s and firemen’s pension and relief funds; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3166**, To permit a hospital to hold a patient experiencing a psychiatric emergency for up to 72 hours; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3233**, Relating generally to uniform and equipment allowances for the National Guard; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3278**, Relating to the practice of optometry; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3353**, Relating to the limitations on the financial relationships with foreign entities that have values antithetical to those of the State of West Virginia; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Householder, and by unanimous consent, the bill was postponed one day.

**H. B. 3376**, Relating to changing the term teacher in residence to clinical teacher of record; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3441**, Revising the training requirements for members of the Higher Education Policy Commission, Council for Community and Technical College Education and the institutional governing boards; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3547**, Increasing the number of personal leave days that county board of education employees may use; on second reading, coming up in regular order, was read a second time.

Delegate Foggin moved to amend the bill on page 1, section §18A-4-14, line 17, after the word “notice” by striking the remainder of the sentence.

On the adoption of the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 189**), and there were—yeas 62, nays 31, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Barnhart, Cannon, Clark, Cooper, Dittman, Espinosa, Fast, Fehrenbacher, Ferrell, Foster, Gearheart, W. Hall, Hardy, Hillenbrand, Hite, Hornby, Horst, Hott, Howell, Jennings, Kelly, Longanacre, Martin, Maynor, Mazzocchi, Miller, Reynolds, Riley, Smith, Storch and Thorne.

Absent and Not Voting: Bridges, Jeffries, Kirby, Linville, Westfall, Young and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the amendment was adopted.

The bill was then ordered to engrossment and third reading.

**H. B. 3548**, Relating to teacher duty-free lunch and daily planning periods; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Clark, the bill was amended on page 1, section §18A-4-14, line 5, after the word “employee” by removing

the strike-through of the word “shall” and on line 6, by deleting the underscored word “may”.

And,

On page 1, section §18A-4-14, line 12, after the word “county” by removing the strike-through of the word “shall” and deleting the underscored word “may”.

The bill was then ordered to engrossment and third reading.

**H. B. 3549**, Relating to classroom teachers and special education classroom teachers individualized education program requirements; 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:

**H. B. 2827**, Make public charter schools eligible for Safe Schools Funds,

**Com. Sub. for H. B. 3337**, Prohibiting additional drug and alcohol treatment facilities and services in a certain county,

**H. B. 3340**, To revise the West Virginia Tax Increment Financing Act,

**H. B. 3387**, Extending the moratorium on the authorization of new convention and visitors bureaus for an additional two years,

**H. B. 3391**, Establishing filing deadlines for appeals of property tax valuations and issues involving property tax classification and taxability to the West Virginia Office of Tax Appeals,

**H. B. 3408**, To clean up statutory provisions regarding the Hope Scholarship program to better reflect the intent and operation of the program,

**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,

And,

**H. B. 3431**, Eliminating the requirement that the apprenticeship training tax credit base be limited to wages paid to apprentices in the construction trades.

### **Leaves of Absence**

At the request of Delegate Householder, and by unanimous consent, leaves of absence for the day were granted Delegates Bridges, Jeffries, Kirby, Linville and Westfall.

At 12:53 p.m., on motion of Delegate Householder, the House of Delegates recessed until 4:30 p.m.

\* \* \* \* \*

### **Afternoon Session**

\* \* \* \* \*

[DELEGATE ESPINOSA, MR. SPEAKER PRO TEMPORE, IN THE CHAIR]

The House of Delegates was called to order by the Honorable Paul Espinosa, Speaker Pro Tempore.

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**

On motion for leave, a bill was introduced (Originating in the Committee on Economic Development and Tourism and reported with the recommendation that it do pass), which was read by its title, as follows:

**By Delegate Howell:**

**H. B. 3554** - “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section designated as §8-12-5h; all relating to prohibiting a municipality or the governing body of any municipality from limiting rental of a property in whole or in part, or as a limitation upon the duration, frequency, or location of such rental; providing that a municipality may regulate activities that arise when a property is used as a rental, if applied uniformly; providing exception for imposition of hotel occupancy tax; providing a municipality may restrict the commercial use of real estate in designated areas through planning or zoning ordinances; and providing damages for violations by municipalities of this prohibition.”

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

**H. B. 3493**, Relating to prohibiting certain foreign ownership of agricultural land,

And reports the same back with the recommendation that it do pass.

Delegate Howell, Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

**H. B. 3482**, To create the Coal Fired Grid Stabilization and Security Act of 2023,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3482** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2N-1, §5B-2N-2, §5B-2N-3, and §5B-2N-4; to amend said code by adding thereto a new section, designated §22-



5-11b; and to amend and reenact §22B-1-7 of said code, all relating generally to the Coal Fired Grid Stabilization and Security Act of 2023; providing for a short title; making legislative findings and declarations; requiring designation of suitable sites for coal electric generation and reporting to the Division of Air Quality of the West Virginia Department of Environmental Protection and the West Virginia Public Service Commission; requiring construction and operating permits for coal electric generation facilities, including expedited consideration; and requiring prompt consideration of appeals by the Air Quality Board concerning permit issued or denied.”

With the recommendation that the committee substitute do pass.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

**H. B. 3035**, Relating generally to high-quality education programs and school operations,

And,

**H. B. 3368**, Troop- to-Teachers,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended, but that they first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bills (H. B. 3035 and H. B. 3368) were each referred to the Committee on Finance.

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. 2910**, Making a supplementary appropriation to the Department of Administration, Public Defender Services,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2910** - “A Bill making a supplementary appropriation by adding new items of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Public Defender Services, fund 0226, fiscal year 2023, organization 0221, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023,”

And,

**H. B. 3013**, Relating to authorizing the Jefferson County Commission to levy a special district excise tax,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3013** - “A Bill to amend and reenact §7-22-9 of the Code of West Virginia, 1931, as amended, relating to authorizing the Jefferson County Commission to levy a special district excise tax; authorizing the special district excise tax for the benefit of the Hill Top House Hotel Economic Opportunity District; setting forth the land area within the special district subject to the special district excise tax; authorizing the commission to create the district and levy the special district excise tax without the approval of the executive director of the development office; authorizing the commission to determine the base district tax, the base tax revenue amount, the gross annual district tax revenue amount and the estimated net annual district tax revenue amount; and requiring the Tax Commissioner to provide the commission with certification of the base tax revenue amount,”

With the recommendation that the committee substitutes each do pass.

Delegate Criss, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**H. B. 2906**, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2023 in the amount of \$21,550,000 from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits,

**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,

**H. B. 3072**, Supplementing and amending appropriations to Department of Homeland Security, Division of Administrative Services,

And,

**H. B. 3396**, Supplementing, amending, and increasing existing items of appropriation from the State Road Fund to the Department of Transportation, Division of Highways,

And reports the same back with the recommendation that they each do pass.

Delegate Phillips, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 2760**, To allow CPR fire fighters to drive ambulances when both attendants are needed to administer patient care,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2760** - “A Bill to amend and reenact §17C-1-6 of the Code of West Virginia, 1931, as amended, relating to permitting firefighters to drive ambulances when both attendants are needed to administer patient care,”

**H. B. 3398**, Relating to the establishment of the West Virginia Memorial to Fallen Heroes of the Global War on Terrorism,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3398** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §10-3B-1, §10-3B-2, §10-3B-3, §10-3B-4, §10-3B-5, and §10-3B-6, all relating to the establishment of the West Virginia Memorial to Fallen Heroes of the Global War on Terrorism,”

And,

**H. B. 3484**, Relating to SNAP benefits,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3484** - “A Bill to amend the Code of West Virginia 1931, as amended, by adding thereto a new section, designated §9-8-2a, relating to expanding the employment and training requirements necessary to receive SNAP benefits; defining and developing exemptions; clarifying the Secretary’s duties when there is a lack of funding or inability to provide employment and training; and identifying when assignments to the employment and training program may not be suspended,”

With the recommendation that the committee substitutes each do pass.

Delegate Young moved that Com. Sub. for H. B. 3484 be committed to the Committee on Finance.

Delegate Householder moved that the motion be tabled.

On the question that the motion be tabled, the yeas and nays were demanded, which demand was sustained.

Having been ordered, the yeas and nays were taken (**Roll No. 190**), and there were—yeas 73, nays 11, absent and not voting 16, with the nays and the absent and not voting being as follows:

Nays: Fluharty, Garcia, Griffith, Hansen, Marple, E. Pritt, Pushkin, Rowe, Walker, Williams and Young.

Absent and Not Voting: Bridges, Butler, Cooper, Hanna, Hite, Honaker, Hornbuckle, Jeffries, Kirby, Linville, McGeehan, Riley, Rohrbach, Skaff, Westfall and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the motion was laid upon the table.

Delegate Phillips, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 3303**, Clarifying and expanding the powers and duties of the director of the Coalfield Community Development Office,

And,

**H. B. 3438**, To establish an auto-renewal licensing program that is eligible for discounts on licensing fees,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bills (H. B. 3303 and H. B. 3438) were each referred to the Committee on Finance.

Delegate Phillips, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 3459**, To allow for a best value procurement evaluation for prequalified bidders,

And reports the same back with the recommendation that it do pass.

Delegate Phillips, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. C. R. 19**, Declaring the “pepperoni roll” to be the official state food of West Virginia,

And reports the same back, with amendment, with the recommendation that it be adopted, as amended, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolution (H. C. R. 19) was referred to the Committee on Rules.

### **Messages from the Executive and Other Communications**

The Clerk announced that Com. Sub. for H. B. 2412, H. B. 2800, H. B. 2882 and Com. Sub. for H. B. 3061 were presented to the Governor on February 20, 2023.

Communications from the Clerk of the Senate to His Excellency, the Governor, advised that Com. Sub. for S. B. 239 and S. B. 275 were presented to the Governor on February 20, 2023.

### **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. 2845**, Relating to removing expired provisions from the code.

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. 3164**, To extend the termination date of the West Virginia Advisory Council on Rare Diseases due to a delay in beginning its duties.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 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 deferred adjudication agreement; correcting a reference to a code section governing deferred prosecution agreements; and declaring that financial inability to pay court costs cannot be a basis for denying a deferred adjudication”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 293** - “A Bill to amend and reenact §59-1-14 of the Code of West Virginia, 1931, as amended, relating to fees charged by sheriffs; increasing maximum fees that the sheriff may charge for serving notices related to tax sales of real property; increasing maximum fees generally; and increasing portion of fees charged by the sheriff directed to the Deputy Sheriff Retirement Fund”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 303** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-7-18, relating to the creation of the Violent Crime Prevention Act; and requiring law enforcement to submit ballistics

data to the National Integrated Ballistic Information Network (NIBIN) for alleged use of firearm in connection with charges for certain crimes”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 455** - “A Bill to amend and reenact §17A-6-1 of the Code of West Virginia, 1931, as amended, relating to modifying requirements for used motor vehicle dealers”; which was referred to the Committee on Technology and Infrastructure.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 559** - “A Bill to amend and reenact §57-3-3 of the Code of West Virginia, 1931, as amended, relating to spousal privilege; and expanding the exceptions to spousal privilege to exclude therefrom cases in which the offense at issue was committed against any child rather than a child of one or both spouses”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 568** - “A Bill to amend and reenact §27-6A-13 of the Code of West Virginia, 1931, as amended, relating generally to the Dangerousness Assessment Advisory Board; clarifying the board’s primary purpose; authorizing board to offer its services to the court when requested; providing information and recommendations to the courts; and declaring that the Secretary of the Department of Health and Human Services has no supervisory



authority over the board”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 605** - “A Bill to amend and reenact §61-12-3 of the Code of West Virginia, 1931, as amended; relating to requiring the state medical examiner to enter into contracts and agreements with a procurement organization when necessary to facilitate the efficient and economical recovery of anatomical gifts”; which was referred to the Committee on Health and Human Resources.

### **Miscellaneous Business**

Pursuant to House Rule 94b, forms were filed with the Clerk’s Office to be added as a cosponsor of the following:

**H. B. 3018:** Delegates Hansen, Holstein and Worrell;

**H. B. 3096:** Delegate Skaff;

**H. B. 3209:** Delegate Skaff;

**H. B. 3232:** Delegate Nestor;

**H. B. 3265:** Delegate Kump;

**H. B. 3305:** Delegate Willis;

**H. B. 3368:** Delegate E. Pritt;

**H. B. 3457:** Delegate Ridenour;

**H. B. 3493:** Delegates Horst, Kump and C. Pritt;

**H. B. 3498:** Delegate Keaton;

**H. B. 3544:** Delegate Skaff;

**H. C. R. 6:** Delegate Brooks;

And,

**H. R. 15:** Delegate Hansen.

At 4:44 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 21, 2023.

---

Tuesday, February 21, 2023

**FORTY-SECOND DAY**

[DELEGATE HANSHAW, MR. SPEAKER, IN THE CHAIR]

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Monday, February 20, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

**H. B. 2761**, To allow classroom aides with 10 or more years of service and good evaluations to bid on teaching positions,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2761** - “A Bill to amend and reenact §18A-2-2 of the Code of West Virginia, 1931, as amended, relating to authorizing county boards to employ eligible classroom aides as classroom teachers when certain conditions are met,”

With the recommendation that the committee substitute do pass.

On motion for leave, a bill was introduced (Originating in the Committee on Education and reported with the recommendation that it do pass), which was read by its title, as follows:

**By Delegates Statler, Toney, Foggin, Hornby, Lucas, Mazzocchi, E. Pritt and Willis:**

**H. B. 3555** - “A Bill to amend and reenact §18B-10-14 of the Code of West Virginia, 1931, as amended, relating to clarifying the requirements imposed on institutions in instances where the required course materials or digital courseware has not been selected prior to a student’s enrollment or if a change to the course materials or digital courseware required would cause an increased charge to the student.”

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

**H. B. 3188**, Relating to the establishment of an alert system for missing cognitively impaired persons,

And,

**H. B. 3448**, Relating generally to probation officer field training,

And reports the same back with the recommendation that they each do pass.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

**H. B. 2189**, To create the “Protection of Property from Warrantless Searches Act”,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2189** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-1A-12, and to amend said code by adding thereto a new section, designated §62-1A-13, all relating to searches and seizures on open fields; requiring a search warrant or other recognized exception for searches and seizures in open fields;

providing a definition; providing for abolishing the common law open fields doctrine; prohibiting surveillance cameras on private property; and providing exceptions,”

**H. B. 2252**, Relating to establishing criminal penalties for human trafficking,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2252** - “A Bill to amend and reenact §61-14-2, §61-14-3, §61-14-4, §61-14-5, §61-14-6, §61-14-7, and §61-14-8 of the Code of West Virginia, all relating to increasing criminal penalties and mandatory fines for human trafficking; establishing limitations on parole; and providing immunity from criminal liability for juvenile victims,”

**H. B. 3006**, West Virginia Critical Infrastructure Protection Act,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3006** - “A Bill to amend and reenact §61-10-34 of the Code of West Virginia, 1931, as amended, relating to the ‘West Virginia Critical Infrastructure Protection Act’; adding the criminal offense of damaging, destroying, or stealing any amount of copper, with felony penalties; providing for forfeiture of items of personal property which are used, have been used, or are intended for use, used in perpetration of theft or damage to infrastructure, including all conveyances, including aircraft, vehicles or vessels; and providing that the forfeiture provisions of this bill be governed by the applicable provisions of the West Virginia Contraband Forfeiture Act,”

**H. B. 3189**, The PFAS Protection Act,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3189** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-11C-1, §22-11C-2, §22-11C-3, and §22-11C-4, all relating to identifying the sources of perfluoroalkyl and

polyfluoroalkyl substances discharged into source waters used for public drinking water; providing legislative findings; providing state and federal regulation history, status, and future expectations; providing definitions; requiring the Department of Environmental Protection to begin identifying sources of PFAS in water sources and address sources of PFAS for certain public water systems with action plans; requiring facilities using PFAS chemicals to monitor and report their use; setting forth other duties of those facilities; providing information disclosure provisions; requiring the Secretary of the Department of Environmental Protection to propose changes to statutes and rules and to update numeric public water supply human health criteria; requiring the Department of Environmental Protection to implement permit modifications to require monitoring; and requiring legislative rule-making,”

And,

**H. B. 3265**, Remove statutory mandates that the sheriff of a county shall serve process or is responsible for cost of service or arrest by another law enforcement agency,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3265** - “A Bill to amend and reenact §59-1-14 of the Code of West Virginia, 1931, as amended, relating to service of process by sheriff; and requiring a county sheriff to owe fees to another sheriff’s department or law enforcement agency for service,”

With the recommendation that the committee substitutes each do pass.

### **Resolutions Introduced**

Resolutions were introduced and severally referred as follows:

**By Delegates Anderson, Brooks, Burkhammer, Butler, Cannon, Chiarelli, Clark, Cooper, Coop-Gonzalez, Crouse, Dean, DeVault, Dillon, Dittman, Fast, Fehrenbacher, Ferrell, Foggin, Forsht, Gearheart, A. Hall, W. Hall, Heckert, Hillenbrand, Hite, Holstein, Honaker, Horst,**

**Hott, Householder, Jeffries, Jennings, Keaton, Kimble, Kirby, Kump, Linville, Longanacre, Lucas, Mallow, Marple, Martin, Maynor, Mazzocchi, McGeehan, Miller, Nestor, Petitto, Phillips, Pinson, C. Pritt, Reynolds, Ridenour, Riley, Rohrbach, Ross, Shamblin, Smith, Steele, Street, Thorne, Tully, Vance, Ward, Warner, Westfall, Willis, Worrell and Zatezalo:**

**H. R. 16** – “Resolution calling for condemnation of the new FDA regulations”; to the Committee on Agriculture and Natural Resources then Rules.

**By Delegates Hott, Kelly, Reynolds, Coop-Gonzalez, Ward, Heckert, Riley, Smith, Petitto, Mazzocchi and Marple:**

**H. C. R. 47** – “Requesting the Division of Highways Bridge Number: 12-042/05-000.09 (12A051), (39.07204, -79.19234) locally known as Keplinger Bridge, carrying CR 42/05 over South Fork Lunice Creek in Grant County, the ‘U. S. Army SGT Walter Hedrick Memorial Bridge’”; to the Committee on Technology and Infrastructure then Rules.

And,

**By Delegates Hanshaw (Mr. Speaker), Rowe, Pinson, Skaff, E. Pritt, Young, Griffith and Hansen:**

**H. C. R. 48** – “Requesting that the Joint Committee on Government and Finance study the social work services of the Department of Health and Human Resources (hereinafter ‘the department’) provided in and for the circuit courts of the state, in particular, in child abuse and neglect cases before, during, and after hearings, for which professional social service workers of the department are needed but have been unavailable for years due to alarming staff shortages and the fact that social service workers employed by the department have not been always trained, present in court, and fully prepared to manage cases for the department involving hearings or placement services before petitions are filed or after hearings are finalized”; to the Committee on Health and Human Resources then Rules.

### Motions

Delegate Heckert asked and obtained unanimous consent to be added as a cosponsor of H. B. 3166.

Delegate Dillon asked and obtained unanimous consent to be added as a cosponsor of H. B. 3353.

Delegate Steele moved that H. B. 2036 be discharged from the Committee on Health and Human Resources and read a first time.

Delegate Householder moved that the motion be tabled.

On the question that the motion be tabled, the yeas and nays were demanded, which demand was sustained.

Having been ordered, the yeas and nays were taken (**Roll No. 191**), and there were—yeas 63, nays 33, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Adkins, Brooks, Burkhammer, Butler, Chiarelli, Coop-Gonzalez, Crouse, Dean, DeVault, Dillon, Foggin, Foster, A. Hall, Honaker, Horst, Kimble, Kirby, Kump, Longanacre, Lucas, Mallow, Martin, Mazzocchi, McGeehan, Miller, C. Pritt, Ridenour, Ross, Steele, Thorne, Vance, Ward and Warner.

Absent and Not Voting: Bridges, Hanna, Jeffries and Westfall.

So, a majority of the members present having voted in the affirmative, the motion was laid upon the table.

### Special Calendar

#### Third Reading

**Com. Sub. for S. B. 10**, Campus Self-Defense Act; 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. 192**), and there were—yeas 84, nays 13, absent and not voting 3, with the nays and the absent and not voting being as follows:



Nays: Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Pushkin, Rowe, Skaff, Storch, Walker, Williams, Young and Hanshaw (Mr. Speaker).

Absent and Not Voting: Bridges, Jeffries and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 10) passed.

Delegate Householder moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 193**), and there were—yeas 84, nays 13, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Pinson, Pushkin, Rowe, Skaff, Storch, Walker, Williams and Hanshaw (Mr. Speaker).

Absent and Not Voting: Bridges, Jeffries and Westfall.

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. 10) takes effect from its passage.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

**H. B. 2283**, Relating to authorized expenditures of revenues from certain state funds for fire departments; 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. 194**), and there were—yeas 89, nays none, absent and not voting 11, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Foggin, Garcia, Heckert, Honaker, Jeffries, Maynor, Nestor, Pushkin, Skaff and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2283) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

At 1:09 p.m., on motion of Delegate Householder, the House of Delegates recessed until 8:00 p.m.

\* \* \* \* \*

### **Evening Session**

\* \* \* \* \*

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

### **Reordering of the Calendar**

Pursuant to the action of the Committee on Rules, Delegate Householder announced that all bills on Third Reading, Second Reading and First Reading, Special Calendar, had been transferred to the House Calendar.

At the request of Delegate Householder, and in the absence of objection, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

### **Committee Reports**

Delegate Howell, Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

**Com. Sub. for S. B. 160**, WV Rail Trails Program,

And reports the same back, with amendment, with the recommendation that it do pass, as amended.

Delegate Nestor, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**Com. Sub. for S. B. 200**, Allowing leashed dogs to track wounded elk, turkey, and wild boar when hunting,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 200) was referred to the Committee on the Judiciary.

Delegate Storch, Chair of the Committee on Pensions and Retirement, submitted the following report, which was received:

Your Committee on Pensions and Retirement has had under consideration:

**S. B. 237**, Relating to Public Employees Retirement System and State Teachers Retirement System,

**S. B. 449**, Updating terms for Natural Resources Police Officers Retirement System and retirement systems for charter schools,

**Com. Sub. for S. B. 450**, Defining medical examination for disability purposes in retirement plans administered by Consolidated Public Retirement Board,

**Com. Sub. for S. B. 451**, Relating to Teachers Retirement System and Teachers' Defined Contribution Retirement System,

**S. B. 452**, Relating to Emergency Medical Services Retirement System,

**Com. Sub. for S. B. 453**, Ensuring retirement contributions and delinquency charges of charter school employees be paid upon school closure or by successor,

**S. B. 458**, Setting rate of interest on delinquent retirement contribution submissions,

And,

**Com. Sub. for S. B. 475**, Modifying examinations for disability pensions,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bills (S. B. 237, S. B. 449, Com. Sub. for S. B. 450, Com. Sub. for S. B. 451, S. B. 452, Com. Sub. for S. B. 453, S. B. 458 and Com. Sub. for S. B. 475) were each referred to the Committee on Finance.

Delegate Howell, Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

**H. B. 3314**, Increasing the special district excise tax to a rate or rates on sales within the boundaries of an economic opportunity development district,

And,

**H. B. 3403**, Providing a tax credit for employers with childcare facilities,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bills (H. B. 3314 and H. B. 3403) were each referred to the Committee on Finance.

Delegate Howell, Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

**H. B. 3417**, Including Potomac State College in the definition of community and technical college education program for participation in the “Learn and Earn Program”,

And reports the same back with the recommendation that it do pass.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 3283**, Relating to reporting requirements under the Grant Transparency and Accountability Act,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 3283) was referred to the Committee on Finance.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**S. B. 246**, Revising membership of Broadband Enhancement Council,

And,

**Com. Sub. for S. B. 463**, Increasing validity of CDL instruction permit,

And reports the same back with the recommendation that they each do pass.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2865**, To clarify that the PSC may enter an order requiring corrective measures up to and including an acquisition of a distressed or failing utility,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2865** - “A Bill to amend and reenact §24-2H-4, §24-2H-5, §24-2H-6, and §24-2H-8 of the Code of West Virginia, 1931, as amended, all relating to clarifying that the Public Service Commission may enter an order in a distressed or failing utility case requiring corrective measures up to and including an acquisition by an acquiring utility; providing the Commission shall provide the list of potentially unstable water and wastewater utilities to statewide water or wastewater technical assistance non-profits; providing the Commission staff shall publish annually, by hyperlink, the list of potentially unstable water and wastewater utilities on the commission’s homepage; providing that eligibility of a utility to receive state grant funding and federal grant funding in a similar manner as the distressed utility is a factor in determining whether a utility is a capable proximate utility; providing that petitions filed with the commission include factual data supporting the justification for the utility to be considered as a distressed or failing utility; providing that high loss and unaccounted for water is not evidence of a distressed or failing utility; and clarifying that an acquiring utility becomes such only after approval of the necessary operating agreement,”

And,

**H. B. 3198**, Relating to obtaining title to abandoned or junked motor vehicles abandoned on the property or place of business of an automobile dealer,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3198** - “A Bill to amend and reenact §17-24A-4 of the Code of West Virginia, 1931, as amended, relating to obtaining title to abandoned or junked motor vehicles abandoned on the property or place of business of an automobile dealer, licensed automobile auction, motor vehicle repair facility or towing company; and removing the requirement that the loan value of the motor vehicle be less than \$9500 to allow the automobile dealer, licensed automobile auction, motor vehicle repair facility or towing company to obtain a certificate of title and registration for the abandoned motor vehicle or junked vehicle,”

With the recommendation that the committee substitutes each do pass.

Delegate Summers, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 2025**, Relating to who may diagnose post-traumatic stress disorder as a compensable injury or disease under workers compensation,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2025) was referred to the Committee on Finance.

Delegate Summers, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 3247**, Relating to abuse and or neglect of individuals with an intellectual and or developmental disability,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3247** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-31; to amend and reenact §16-2D-8, §16-2D-9, and §16-2D-11; to amend said code by adding thereto a new article designated, §16-5W-1, §16-5W-2, §16-5W-3, §16-5W-4, §16-5W-5, §16-5W-6 and §16-5W-7; to repeal §27-8-2b and §27-8-3 of said code; to repeal §27-9-1 of said code; to repeal §27-13-1 and §27-13-2 of said code; and to repeal §27-17-1, §27-17-2, §27-17-3, and §27-17-4 of said code; all relating to regulation of behavioral health services; requiring the Bureau of Medical Services to development a reimbursement model relating to in home services of Intellectually and Developmentally Disabled Intermediate Care waivers; requiring the bureau to use a performance based contract; defining terms; removing services from the moratorium; removing services from certificate of need; adding services to certificate of need; providing exceptions from certificate of need; permitting the Health Care Authority to redistribute bed capacity; requiring access to consumers; requiring access to records; regulating behavioral health centers; providing rulemaking authority; establishing a mental health ombudsman; providing authority to the ombudsman; providing an exemption of consumer information from the Freedom of Information Act; requiring reporting; and permitting a civil penalty,”

With the recommendation that the committee substitute do pass.



Delegate Summers, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 3501**, Creating the Cardiopulmonary Resuscitation Instruction Fund,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 3501) was referred to the Committee on Finance.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

**H. B. 3499**, To permit joint tenancy with rights of survivorship when transfer on death deeds specify a joint tenancy with right of survivorship,

And reports the same back with the recommendation that it do pass.

Delegate Criss, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**H. B. 3509**, Making a supplementary appropriation to Miscellaneous Boards and Commissions, Public Service Commission – Consumer Advocate Fund,

**H. B. 3511**, Making a supplementary appropriation to the Department of Education, State Board of Education – School Lunch Program,

**H. B. 3512**, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services,

**H. B. 3513**, Making a supplementary appropriation to the Department of Homeland Security, Division of Corrections and Rehabilitation – Regional Jail and Correctional Facility Authority,

**H. B. 3514**, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund,

**H. B. 3515**, Making a supplementary appropriation to the Department of Veterans' Assistance, Veterans' Facilities Support Fund,

**H. B. 3516**, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – West Virginia Safe Drinking Water Treatment,

**H. B. 3517**, Making a supplementary appropriation to the Division of Human Services – Child Care and Development,

**H. B. 3518**, Making a supplementary appropriation to the Department of Agriculture,

And,

**H. B. 3524**, Making a supplementary appropriation to the Department of Agriculture – West Virginia Spay Neuter Assistance Fund,

And reports the same back with the recommendation that they each do pass.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendments of the House of Delegates and the passage, as amended, of

**Com. Sub. for S. B. 89**, Requiring hospitals to staff qualified personnel to perform sexual assault forensic exams.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 488** - “A Bill to amend and reenact §18B-4-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18B-4-7a, all relating to aligning state and federal accreditation rules”; which was referred to the Committee on Education.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 543** - “A Bill to amend and reenact §29A-3A-1 and §29A-3A-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §29A-3A-2a; to amend and reenact §29A-3A-3, §29A-3A-4, §29A-3A-5, §29A-3A-6, §29A-3A-7, §29A-3A-8, §29A-3A-9, §29A-3A-10, §29A-3A-11, §29A-3A-11a, §29A-3A-12, §29A-3A-13, §29A-3A-14, §29A-3A-15, §29A-3A-16, §29A-3A-16a, §29A-3A-17, §29A-3A-18, and §29A-3A-20, all relating to higher education and school building rule-making authority; revising definitions; requiring all sections of rule to be filed when proposing an amendment to an existing rule; requiring rule to be accompanied by not of explanation; requiring agency proposing to repeal a rule to file the rule in its entirety with the provisions of the rule struck through; making provisions applicable to procedural and interpretive rules applicable to legislative exempt rules; allowing an agency to hold a public hearing, schedule a public comment period, or both; requiring agency to respond to public comments and explain the reasoning for comments being incorporated or not incorporated into the rule; reducing time period for filing of notices of hearings for receiving public comment on a proposed rule; allowing repeal of a legislative exempt, procedural,

or interpretive rule by filing notice of repeal with the Secretary of State; establishing timelimit for filing of notice of approval with the Secretary of State and the Legislative Oversight Commission on Education Accountability (LOCEA); requiring LOCEA make a continuing investigation, study, and review of the practices, policies, and procedures of the State Board of Education; requiring electronic submission of agency-approved rule to LOCEA; requiring electronic filing of notice of approval in the State Register; adding to information that electronic copies of the proposed legislative rule is to include; modifying topics LOCEA's review of a proposed legislative rule is to include; modifying LOCEA's options in making recommendations to the Legislature after reviewing a legislative rule; requiring bill authorizing legislative rule to incorporate the amendments recommended by LOCEA; modifying date after which proposed legislative rules submitted to LOCEA can be withheld from its report to the clerk of the respective houses; modifying provisions pertaining to bills of authorization; removing provisions pertaining to computation of dates; allowing disapproval of rules not approved or acted upon by the Legislature; requiring Secretary of State to publish an authorized and promulgated legislative rule in the Code of State Rules; adding to information that must be filed with emergency rules in the State Register; providing for effective date for emergency rule and amendment to emergency rule; requiring the agency to file a copy of the emergency rule and the required statement with the Secretary of State and LOCEA; reducing time periods the agency has for filing a notice of public hearing on a proposed emergency rule and for filing the proposed emergency rule with LOCEA; removing provision pertaining to emergency legislative rules currently in effect; making certain provisions pertaining to filing an emergency rule and disapproval of an emergency rule applicable to filing an amendment to an emergency rule and disapproval of an emergency rule; modifying provisions pertaining to LOCEA's review of procedural rules, interpretive rules, or existing legislative rules; providing for prior rules to remain in full force and effect; modifying required sunset date; specifying procedure for renewing legislative rule; and requiring Secretary of State to file a notice of sunset in the State Register

within 30 days following expiration of a legislative rule”; which was referred to the Committee on Education.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 548** - “A Bill to amend and reenact §11A-3-2, §11A-3-13, §11A-3-38, §11A-3-45 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11A-3-45a; to amend and reenact §11A-3-46, §11A-3-47, §11A-3-48 of said code; to amend said code by adding thereto a new section, designated §11A-3-48a; and to amend and reenact §11A-3-56 of said code, all relating to real property taxes; modifying who is entitled to redeem real estate that is subject to delinquent taxes; modifying certain public notices regarding the certification of real estate to the Auditor; modifying who is entitled to redeem nonentered or certified lands; specifying that participation in certain auctions conducted by West Virginia Auditor constitutes transacting business in West Virginia; providing eligibility requirements to bid on tax liens at certain auctions conducted by the Auditor; providing for certain rule-making authority, including emergency rulemaking; barring certain parties from participating in auctions conducted by Auditor; modifying certain public notices regarding certain auctions conducted by the Auditor; providing for the incurrence of legal expenses related to title examinations by the West Virginia Auditor and the reimbursement for those expenses; authorizing West Virginia Auditor to refuse to sell unsold lands to potential buyers who fail to meet certain criteria; and barring certain parties from purchasing unsold lands”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 591** - “A Bill to amend and reenact §7-12-9a of the Code of West Virginia, 1931, as amended, relating to allowing counties and municipalities the opportunity to jointly undertake economic development projects and to allow a pro-rata share in costs and revenues generated from said economic development projects”; which was referred to the Committee on Economic Development and Tourism.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 602** - “A Bill to amend and reenact §18B-1-1f of the Code of West Virginia, 1931, as amended, relating to authorizing Bluefield State University and West Virginia State University to offer associate degrees on their campuses without Higher Education Policy Commission or Community and Technical College Council approval; and providing exception”; which was referred to the Committee on Education then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 629** - “A Bill to amend and reenact §20-2-33 of the Code of West Virginia, 1931, as amended, relating to establishing an auto-renewal program for wildlife licenses; and authorizing the director to assess discounts to fees”; which was referred to the Committee on Finance.

### **Miscellaneous Business**

Pursuant to House Rule 94b, forms were filed with the Clerk’s Office to be added as a cosponsor of the following:

**H. B. 2252:** Delegates Hornby and Kump;

**H. B. 2415:** Delegate Kump;

**H. B. 2542:** Delegate Ridenour;

**H. B. 2814:** Delegates Anderson, Clark, Heckert and Zatezalo;

**H. B. 3327:** Delegate Crouse;

**H. B. 3405:** Delegate Kump;

**H. B. 3445:** Delegate Kirby;

**H. C. R. 37:** Delegates Adkins, Crouse, Hall, Hillenbrand and Mazzocchi;

**H. J. R. 25:** Delegates Kirby and Ridenour;

**H. R. 13:** Delegates Adkins, Crouse, Dillon and Hall;

And,

**H. R. 14:** Delegates Adkins, Crouse, Dillon, Hall and Mazzocchi.

At 8:12 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, February 22, 2023.

---

Wednesday, February 22, 2023

**FORTY-THIRD 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, February 21, 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 H. B. 2937 and Com. Sub. for H. B. 3233, on Third Reading, House Calendar, had been transferred to the Special Calendar; and Com. Sub. for H. B. 3337 and H. B. 3340, on Second Reading, House Calendar, had been transferred to the Special Calendar.

**Committee Reports**

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

**H. B. 2122**, Relating to custodial interrogation of a child,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2122** - “A Bill to amend the Code of West Virginia, 1931, as amended by amending §49-4-701(l), by removing language relating to statements while in custody, and adding thereto a new section designated §62-1A-12; relating to



custodial interrogation of a child; requiring the child have contact with legal counsel by certain means; requiring the child have contact with a parent, guardian, legal custodian, or other legally recognized equivalent by certain means; permitting a law-enforcement officer to ask questions reasonably believed to be necessary to protect life or property without requiring contact with counsel, parents, guardians, or other recognized persons; and requiring questions of a child be limited to obtaining such information reasonably believed to be necessary to protect life or property,”

**H. B. 3114**, Deny severance pay to employees of DOT for failure or refusal of drug testing,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3114** - “A Bill to amend and reenact §5F-2-8 of the Code of West Virginia, 1931, as amended; relating to requiring the denial of severance pay to probationary employees of Department of Transportation who are terminated for failing or refusing to submit to drug or alcohol screens,”

**H. B. 3232**, Regulation of Fantasy Gaming Competitions and Implementation of Sports Wagering,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3232** - “A Bill to amend and reenact §29-22D-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §29-22D-25, all relating to allowing the West Virginia Lottery Commission to accredit independent evaluators to audit and opine on sports betting content directly or indirectly affiliated with management services providers; and subjecting management services providers and their direct or indirect affiliates to civil and criminal penalties,”

**H. B. 3445**, Relating generally to probation and parole,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3445** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-12-30, relating to probation and parole; creating earned compliance credits for individuals on probation and parole for certain behaviors and actions to incentivize rehabilitation efforts; authorizing supervising officers to recommend rescinding of credit to the court in certain circumstances; and requiring the Division of Corrections and Rehabilitation and the Division of Probation Services to provide annual reports to the Legislature,”

And,

**H. B. 3551**, Provide for criminal history record restrictions for certain persons,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3551** - “A Bill to amend and reenact §5-1-16a of the Code of West Virginia, 1931, as amended, relating to restricting access to criminal history record information of individuals who have been convicted of a crime and pardoned by the Governor and individuals who have been convicted of a crime; providing procedure for obtaining the restriction; outlining crimes for which criminal history restriction is not available; and exceptions,”

With the recommendation that the committee substitutes each do pass.

On motion for leave, a bill was introduced (Originating in the Committee on the Judiciary and reported with the recommendation that it do pass), which was read by its title, as follows:

**By Delegates Steele, Garcia, Fast and Marple:**

**H. B. 3556** - “A Bill to amend the Code of West Virginia, 1931, as amended by creating a new article, §48-28B-1, *et seq.*, relating to establishing a process to recognize and enforce Canadian domestic violence protective orders, relating to providing a short title, relating to providing definitions, relating to enforcement of Canadian domestic violence protective orders by law enforcement, relating to enforcement of Canadian domestic violence protective

orders by a court, relating to registration of a Canadian domestic violence protective order, and relating to a severability clause.”

Delegate Howell, Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

**H. B. 2064**, To create commercial opportunity zones to attract new businesses to West Virginia,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2064** - “A Bill to amend and reenact §8A-7-3 of the Code of West Virginia, 1931, as amended, and to add thereto a new article, designated §11-13PP-1, §11-13PP-2, §11-13PP-3, §11-13PP-4, §11-13PP-5, §11-13PP-6, §11-13PP-7, §11-13PP-8, §11-13PP-9, and §11-13PP-10, all relating to the Tourism and Commercial Opportunity Zone Tax and Tax Credit Act; providing for a short title; providing legislative findings and purpose; creating a new species and class of property directed by law; creating definitions; establishing the Tourism and Commercial Opportunity Zone tax and tax credit; providing for restrictions on investment; providing for a penalty; providing for disclosure of tax credits; providing for tax and tax credit review and accountability; creating rules; and providing for an effective date,”

And,

**H. B. 2065**, West Virginia Heavy Duty Truck Excise Tax Elimination Act,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2065** - “A Bill to amend and reenact §11-6F-2 and §11-13S-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, §11-13MM-3, §11-

13MM-4, §11-13MM-5, §11-13MM-6, §11-13MM-7, §11-13MM-8, §11-13MM-9, §11-13MM-10, §11-13MM-11, §11-13MM-12, §11-13MM-13, §11-13MM-14, §11-13MM-15, §11-13MM-16, §11-13MM-17, all relating generally to taxation for the manufacturing, sale, and use of heavy duty trucks and products associated therewith to encourage economic growth; amending the definition of manufacturing for purposes of special method for appraising qualified capital additions to manufacturing facilities for property tax purposes; amending the formula for calculating the manufacturing investment tax credit amount allowed for manufacturing investment to include heavy duty truck manufacturing; increasing the amount of such allowable credit for said industries; creating the West Virginia Heavy Duty Truck Excise Tax Elimination Act; providing for administration and enforcement of the tax credit; making legislative findings; stating legislative purpose; defining terms; specifying an amount of credit allowable based upon the amount of federal excise tax paid, providing limitations based upon qualified investment amount; providing conditions for qualification and use; defining in service or use; providing for the application of the credit to the corporate net income tax and the personal income tax, as appropriate; providing for methods of calculation of the qualified investment; providing for carry over and forfeiture of unused tax credits; providing limitations for credits being carried over; allowing transfer of qualified investment property without forfeiture under certain circumstances; requiring identification of qualified investment property and record keeping; providing penalties for failure to keep required records; providing for interpretation and construction; requiring timely filing of application for credit; specifying burden of proof; requiring periodic tax credit review and accountability reports; authorizing rulemaking; making credit subject to West Virginia Tax Procedure and Administration Act and West Virginia Tax Crimes and Penalties Act; and providing for severability; providing effective date,”

With the recommendation that the committee substitutes each do pass.

Delegate Mallow, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

**Com. Sub. for S. B. 271**, Modifying approval process requirements for First Responders Honor Board,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 271) was referred to the Committee on Government Organization.

Delegate Mallow, Chair of the Committee on Fire Departments and Emergency Medical Services submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

**S. B. 131**, Allowing municipal fire marshals to receive service weapon upon retirement,

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference to the Committee on the Judiciary be dispensed with.

In the absence of objection, reference of the bill (S. B. 131) to the Committee on the Judiciary was abrogated.

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:

**Com. Sub. for H. C. R. 2**, Cpl. Billy F. Mann Memorial Bridge,

**H. C. R. 14**, Stanley and Evelyn See Memorial Bridge,

**H. C. R. 16**, Staff Sgt. J.J. “Junior” Spurrier Memorial Bridge,

**H. C. R. 21**, Michael Lee “Rube” Ruben Memorial Bridge,

**H. C. R. 22**, U.S. Army T/5 Doyle Bedell Taylor Memorial Bridge,

**H. C. R. 24**, U. S. Army PFC Herman H. Lucas Memorial Bridge,

**H. C. R. 25**, U. S. Marine Corps, PFC John Louis “Johnny” Brumbaugh, Jr. Memorial Bridge,

**H. C. R. 26**, U.S. Army SGT Samuel D. Roberts Sr. Memorial Bridge,

**H. C. R. 27**, Requesting Joint Committee on Government and Finance study all benefits of state employees to determine which benefits, if any, may be refused by an employee in exchange for a cash equivalent,

**H. C. R. 28**, Terra Dawn Lewis Memorial Road and Bridge,

And,

**H. C. R. 32**, The Albert “Ab” Baisden Memorial Bridge,

And reports the same back with the recommendation that they each be adopted.

### **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. 2596**, To modify when a nonresident student’s transfer may be denied.

On motion of Delegate Householder, the House concurred in the following amendment of the bill by the Senate:

On page 2, section 16, line 26, by striking out all of subdivision (1) and renumbering the remaining subdivisions;

And,

On page 4, section 16, lines 82 through 90, by striking out all of subdivision (4) and inserting in lieu thereof a new subdivision (4), to read as follows:

“(4) An application may only be denied by a county board of education due to lack of grade level capacity, lack of programs or services due to areas identified in the county board critical need policy, or the commission of Level 3 or Level 4 inappropriate behavior as defined by West Virginia Board of Education Policy 4373 in the last year. The denial shall be in writing, sent to the parent or guardian of the nonresident student and the West Virginia Department of Education within three business days of the decision, and include the reason and explanation for the denial and information on appealing the denial of the application. If a nonresident student fails to fill out or submit an open enrollment application correctly, a county board shall provide an explanation of ways in which the application may be corrected and submitted for necessary approval.”

And,

By amending the title of the bill to read as follows:

**Com. Sub. for H. B. 2596** – “A Bill to amend and reenact §18-5-16 of the Code of West Virginia, 1931, as amended, relating to open enrollment; clarifying the circumstances in which a county board of education shall permit the transfer of resident students; allowing appeal to State Superintendent of Schools; amending provisions pertaining to the contents of county board of education policies for open enrollment; requiring process for enrollment application to be clearly publicized and made available on the county board’s website; modifying reasons for which an application can be denied; and requiring county boards and the State Department of Education to report annually on the number of

transfer approvals and denials made pursuant to open enrollment policies.”

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. 195**), and there were—yeas 88, nays 10, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Fluharty, Griffith, Hansen, Hornbuckle, E. Pritt, Pushkin, Rowe, Walker, Williams and Young.

Absent and Not Voting: Bridges and Hott.

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. 2596) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 3055**, To create a vocational math class for students interested in careers in the trades.

On motion of Delegate Householder, the House concurred in the following amendment of the bill by the Senate:

On page 1, section 13, line 12, after the word “classes” by inserting the words “and specific content”.

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. 196**), and there were—yeas 98, nays none,



absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Bridges and Hott.

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. 3055) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**H. B. 3272**, Relating to the operation of private trust companies in West Virginia.

On motion of Delegate Householder, the House concurred in the following amendment of the bill by the Senate:

On page one by striking out everything after the enacting clause and inserting in lieu thereof the following:

**‘CHAPTER 31I. TRUST COMPANIES.**

**ARTICLE 1. PRIVATE TRUST COMPANIES AND PRIVATE TRUST BUSINESS.**

**§31I-1-1. Short title.**

This article may be cited as the ‘Private Trust Company Act’.

**§31I-1-2. Purposes; findings.**

(a) The purpose of the article is to establish requirements for licensing private trust companies, to regulate persons who provide fiduciary services to family members of no more than three families and their related interests as a private trust company, and to establish the degree of regulatory oversight required of the State Auditor over such companies. The public interest served by this

article is to ensure that fiduciary activities performed by a private trust company are restricted to family members and their related interests and as otherwise provided in this article.

(b) The Legislature finds that:

(1) A private trust company is not a financial institution, and licensure of such a company is not required.

(2) A private trust company may elect to be a licensed private trust company under this article if the company desires to be subject to the regulatory oversight of the State Auditor, as provided in this article, notwithstanding that the company restricts its services to family members.

(3) With respect to a licensed private trust company, the State Auditor is responsible for regulating, supervising, and examining the company as provided under this article.

(4) With respect to a private trust company that does not elect to be licensed, the State Auditor's role is limited to ensuring that fiduciary services provided by the company are restricted to family members and authorized related interests and not to the general public. The State Auditor is not responsible for examining a private trust company regarding the safety or soundness of its operations.

### **§31I-1-3. Definitions.**

As used in this article, unless the context requires a different meaning:

(1) 'Applicant' means the corporation or limited liability company on whose behalf an application for a license to operate as a licensed private trust company is submitted under §31I-1-4(e) of this code.

(2) 'Capital account' means the aggregate value of unimpaired capital stock based on the par value of the shares, plus any unimpaired surplus and undivided profits or retained earnings of a private trust company organized as a corporation; or the initial cash investment remitted for membership interests in a private trust

company organized as a limited liability company, plus any undivided profits or retained earnings of the limited liability company.

(3) 'Capital stock' means the shares of stock issued to create nonwithdrawable capital for a corporation, or membership interests issued to create nonwithdrawable capital for a limited liability company.

(4) 'Collateral kinship' means a relationship that is not lineal but derives from a common ancestor.

(5) 'Degrees of kinship' means, with respect to two persons:

(A) Degrees of lineal kinship computed by counting one degree for each person in the line of ascent or descent, exclusive of the person from whom the computing begins; and

(B) Degrees of collateral kinship computed by commencing with one of the persons and ascending from that person to a common ancestor, descending from that ancestor to the other person, and counting one degree for each person in the line of ascent and in the line of descent, exclusive of the person from whom the computation begins, the total to represent the degree of such kinship.

(6) 'Designated relative' means a common ancestor of a family, who may be a living or deceased person, who is the individual to or through whom the family members are related, and who is so designated in the application for a license.

(7) 'Family' means a designated relative and family members of that designated relative.

(8) 'Family affiliate' means a company or other entity in which one or more family members own, control, or have the power, directly or indirectly, to vote all of the capital stock, partnership interests, membership interests, or other equity interests of the entity.

(9) 'Family member' means a designated relative and:

(A) Any individual within: (i) the fifth degree of lineal kinship to a designated relative of a private trust company, or the sixth degree of lineal kinship to a designated relative of a licensed private trust company, or (ii) the seventh degree of collateral kinship to a designated relative of a private trust company, or the ninth degree of collateral kinship to a designated relative of a licensed private trust company;

(B) The present or past spouse of any individual qualifying as a family member and an individual who is within the fifth degree of lineal kinship to such spouse or former spouse;

(C) A trust established by: (i) a family member if the trust is funded exclusively by one or more family members and, for these purposes, a trust to which property has been transferred as a result of a family member's exercise of a power of appointment shall be considered established by that family member if all qualified beneficiaries of the appointee trust are family members, or (ii) an individual who is not a family member if all of the noncharitable qualified beneficiaries of the trust are family members, except that a trust composed exclusively of nonindividual qualified beneficiaries is considered to be a family member if all of the nonindividual qualified beneficiaries are charitable foundations or other charitable entities as described in paragraph (F) of this subdivision;

(D) A family affiliate or officer or former officer of a family affiliate: *Provided*, That in the case of a former officer, such officer must have qualified as an officer of the family affiliate at any time within the past three years;

(E) The estate of a family member or the estate of an individual who is not a family member if all of the noncharitable beneficiaries of such estate are family members, except that an estate composed exclusively of nonindividual beneficiaries is considered to be a family member if all of the nonindividual beneficiaries are charitable foundations or other charitable entities as described in paragraph (F) of this subdivision; or

(F) A charitable foundation or other charitable entity that either: (i) was created by a family member, or (ii) has a governing body consisting mostly of family members.

(10) ‘Fiduciary’ means executor, administrator, conservator, guardian, committee, or trustee.

(11) ‘Licensed private trust company’ means a private trust company that operates in accordance with this article and has been issued a license that has not been revoked or suspended by the State Auditor.

(12) ‘Lineal kinship’ means a family member who is in the direct line of ascent or descent from a designated relative.

(13) ‘Officer’ of a family affiliate means an individual, regardless of whether the individual has an official title or receives a salary or other compensation, who may participate in the major policymaking functions of a family affiliate, other than as a director. The term does not include an individual who may have an official title and exercise discretion in the performance of duties and functions, but who does not participate in determining the major policies of the family affiliate and whose decisions are limited by policy standards established by other officers, regardless of whether the policy standards have been adopted by the board of directors or other members of management. The chair of the board of directors, the president, the chief officer, the chief financial officer, the senior trust officer, and all executive vice presidents of a family affiliate, and all managers if organized as a limited liability company, are presumed to be officers unless such officer is excluded by resolution of the board of directors or members or by the bylaws or operating agreement of the family affiliate, other than in the capacity of a director, from participating in major policymaking functions of the family affiliate, and such excluded officer does not actually participate therein.

(14) ‘Operating plan’ means a plan that establishes the policies and procedures a private trust company will have in effect when the institution opens for business and thereafter:

(A) To ensure that trust accounts are handled in accordance with recognized standards of fiduciary conduct; and

(B) To assure compliance with applicable laws and regulations.

(15) 'Private trust business' means acting as or performing the duties of a fiduciary in the regular course of its business for family members. A person does not engage in private trust business by:

(A) Rendering services as an attorney-at-law in the performance of duties as a fiduciary;

(B) Rendering services as a certified or registered public accountant in the performance of duties as such;

(C) Acting as trustee under a deed of trust made only as security for the payment of money or for the performance of another act;

(D) Acting as a trustee in bankruptcy or as a receiver;

(E) Holding trusts of real estate for the primary purpose of subdivision, development, or sale, or to facilitate any business transaction with respect to such real estate;

(F) Engaging in the business of an escrow agent;

(G) Holding assets as trustee of a trust created for charitable purposes if:

(i) The trustee is an entity exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code; and

(ii) The trust is: (I) exempt from federal income taxes under Section 501(c)(3) of the Internal Revenue Code, (II) a charitable remainder trust described in Section 664 of the Internal Revenue Code, (III) a pooled income fund described in Section 642(c)(5) of the Internal Revenue Code, or (IV) a trust the charitable interest in which is either a guaranteed annuity or a fixed percentage distributed yearly of the fair market value of the trust property, described in Section 2055(e)(2)(B) or Section 2522(c)(2)(B) of the Internal Revenue Code;

(H) Receiving rents and proceeds of sale as a licensed real estate broker on behalf of the principal; or

(I) Engaging in securities transactions as a broker-dealer or salesman.

(16) 'Private trust company' means a corporation or limited liability company that:

(A) Is exclusively owned by one or more family members;

(B) Is organized or qualified to do business in this state;

(C) Engages or proposes to engage in private trust business under this article with one or more family members;

(D) Does not serve as a fiduciary for a person, entity, trust, or estate that is not a family member, except that it may serve as a fiduciary for up to 35 individuals who are not family members if the individuals are current or former employees of the private trust company or one or more trusts, companies, or other entities that are family members; and

(E) Does not transact business with the general public.

(17) 'Qualified beneficiary' has the meaning provided in §44D-1-103(r) of this code.

(18) 'State Auditor' means the West Virginia State Auditor.

(19) 'Tax' includes, but is not limited to, federal, state, or local income, gift, estate, generation-skipping transfer, or inheritance tax.

(20) 'Trust institution' means a bank or trust company chartered by a state bank supervisory agency or by the Office of the Comptroller of Currency.

**§31I-1-4. Organization; minimum capital requirements; notice to State Auditor; control; application for license.**

(a) No person other than a corporation or limited liability company organized under the laws of this state to engage exclusively in the private trust business shall act as a private trust company or licensed private trust company.

(b) A licensed private trust company that has one designated relative may not be organized or operated with an owners' capital account of less than \$250,000. The minimum capital account is \$350,000 if two designated relatives of the licensed private trust company are named in the application for a license or in the annual license renewal. The minimum capital account is \$450,000 if three designated relatives of the licensed private trust company are named in the application for a license or in the annual license renewal. A private trust company may not be organized or operated with a capital account of less than \$250,000.

(c) No person shall engage in business as a private trust company or licensed private trust company without first giving written notice to the State Auditor. The notice shall identify at least one designated relative for any private trust company, and up to three designated relatives for any licensed private trust company, whose relationship to other individuals determines whether the individuals are family members. The notice shall identify the location of the principal office and additional office, if any, within this state. The notice shall be accompanied by an operating plan and such other books, records, documents, or information as the State Auditor may require. The notice shall also certify that:

(1) All provisions of law have been complied with;

(2) The private trust company or licensed private trust company is formed for no other reason than to engage in the private trust business;

(3) Family members have subscribed for capital stock, surplus, and a reserve for operation in an amount equal to or in excess of \$250,000; and

(4) The private trust company or licensed private trust company is serving or will serve as trustee for one or more trusts having an



aggregate of at least \$50,000,000 in trust assets as further specified in §31I-1-10 of this code.

(d) All of the capital stock, membership interests, or other equity interests of a private trust company or licensed private trust company shall be and shall remain owned by, and under the voting control of, family members, including any spouses, trusts, stock corporations, limited partnerships, limited liability companies, or estates that qualify under §31I-1-3(9)(B) through (E) of this code of one or more families.

(e) An applicant seeking to operate as a licensed private trust company must file an application with the State Auditor on forms prescribed by the State Auditor, accompanied by a nonrefundable \$10,000 application fee to be deposited into a special account in the State Treasury to be known as the Private Trust Company Application Fund. Expenditures from the fund shall be for the purpose of the State Auditor administering this article. Expenditures are not authorized from collections but are to be made only in accordance with appropriation by the Legislature and in accordance with the provisions of §12-3-1 *et seq.* of this code and upon fulfillment of the provisions of §11B-2-1 *et seq.* of this code: *Provided*, That for the fiscal year ending June 30, 2024, expenditures are authorized from collections rather than pursuant to appropriation by the Legislature. The application to operate as a licensed private trust company must also contain or be accompanied by:

(1) The name of the proposed licensed private trust company;

(2) A copy of the articles of incorporation or articles of organization and the bylaws or operating agreement of the proposed licensed private trust company;

(3) The physical address and mailing address of the proposed licensed private trust company, which must be located in this state;

(4) A statement describing in detail the services that will be provided to family members by the proposed licensed private trust company;

(5) The name and biographical information of each individual who will initially serve as a director, officer, manager, or member acting in a managerial capacity of the proposed licensed private trust company;

(6) The name and biographical information of each individual who owns or has the ability or power to directly or indirectly vote at least 10 percent or more of the outstanding shares, membership interest, or membership units of the proposed licensed private trust company;

(7) The names of the designated relatives;

(8) The amount of the initial capital account of the proposed licensed private trust company and the form in which the capital was paid and will be maintained;

(9) The type and amount of bonds or insurance that will be procured and maintained on directors, officers, managers, or members acting in a managerial capacity or employees pursuant to §31I-1-12 of this code;

(10) A statement signed by the applicant, or by the individual signing on behalf of the proposed licensed private trust company, under penalty of perjury, affirming that the following statements are true:

(A) The proposed licensed private trust company is not currently transacting business with the general public;

(B) No director, officer, manager, or member served as a director, officer, or manager, or acted in a managerial capacity, for a trust company or any other financial institution that had a license issued under the financial institutions codes or by the Federal Government or any other state, the District of Columbia, a territory of the United States, or a foreign country that was suspended or revoked within the 10 years preceding the date of the application;

(C) No director, officer, manager, or member acting in a managerial capacity has been convicted of, or pled guilty or nolo contendere, regardless of whether adjudication of guilt is entered

by the court, to a violation of the financial institutions codes, or other similar state or federal laws or related rules, or to a crime involving fraud, misrepresentation, or moral turpitude;

(D) No director, officer, manager, or member acting in a managerial capacity has had a professional license suspended or revoked within the 10 years preceding the date of the application;

(E) All information contained in the application is true and correct to the best knowledge of the individual signing the application on behalf of the proposed licensed private trust company; and

(11) Any other additional information reasonably required by the State Auditor.

#### **§31I-1-5. Operation and powers.**

Every private trust company and licensed private trust company shall conduct its business in accordance with an operating plan and in accordance with generally accepted fiduciary standards. A private trust company or licensed private trust company when engaging in a private trust business shall have the same rights, powers, and privileges as a banking or trust institution pursuant to §31A-4-14 of this code, including the power to act as executor under the last will and testament or administrator of the estate of any deceased family member.

#### **§31I-1-6. Reacquisition of shares or interests; dividends.**

A private trust company or licensed private trust company shall not buy, redeem, or otherwise reacquire shares of stock or membership interests that the private trust company or licensed private trust company has issued, or declare a dividend or other distribution to its stockholders, members, or holders of equity interests, to the extent that such purchase, redemption, reacquisition, dividend, or distribution shall cause the private trust company's or licensed private trust company's paid-in capital, retained surplus, and reserves to be reduced below \$250,000.

**§311-1-7. Offices.**

(a) The office at which a private trust company or licensed private trust company begins business shall be designated initially as its principal office. The board of directors or managers of a private trust company or licensed private trust company may thereafter redesignate as the principal office another authorized office of the private trust company or licensed private trust company in this state.

(b) The board of directors or managers of a private trust company or licensed private trust company may designate, and from time to time redesignate, one additional office at which the private trust company or licensed private trust company may conduct business in this state.

(c) The private trust company or licensed private trust company shall notify the State Auditor of any such redesignation of its principal office or designation or redesignation of an additional office not later than 30 days before its effective date and shall confirm to the State Auditor any such designation or redesignation within 10 days of its occurrence.

**§311-1-8. Directors or managers.**

The affairs of every private trust company or licensed private trust company shall be directed by a board of directors if a corporation, or managers if a limited liability company, consisting of not less than five nor more than 25 persons. At least one director or manager shall be a resident of this state.

**§311-1-9. Limitation on powers.**

(a) In the exercise of any power held by a private trust company or licensed private trust company in its capacity as a fiduciary, the private trust company or licensed private trust company shall have a duty not to exercise any power in such a way as to deprive the estate, trust, or other entity for which it acts as a fiduciary of an otherwise available tax exemption, deduction, or credit for tax purposes, or deprive a donor of trust assets of a tax exemption,

deduction, or credit or operate to impose a tax upon a donor or other person as owner of any portion of the estate, trust, or otherwise.

(b) Without limitation to subsection (a) of this section, no family member who is a stockholder or member or who otherwise holds an equity interest in, or is serving as a director, officer, manager, or employee of, a private trust company or licensed private trust company shall participate in or otherwise have a voice in any discretionary decision by the private trust company or licensed private trust company to distribute income or principal of any trust in order to discharge a legal obligation of a family member or for a family member's pecuniary benefit, unless:

(1) The exercise of the discretion is limited by an ascertainable standard relating to the health, education, support, or maintenance of that family member;

(2) The distribution is necessary for that family member's support, health, or education; or

(3) The instrument governing the administration of that trust clearly so provides.

#### **§31I-1-10. Minimum trust assets under management certification.**

As part of the notice to the State Auditor required of any private trust company or licensed private trust company that is required under §31I-1-4 of this code, an affidavit must also be submitted by the applicant, signed under penalty of perjury, certifying that the private trust company or licensed private trust company serves or will serve as trustee for one or more trusts having at least \$50,000,000 in aggregate trust assets under management as of the date of such affidavit.

#### **§31I-1-11. Unlawful to advertise services.**

A private trust company or licensed private trust company may not advertise its services to the public.

**§31I-1-12. Fidelity bonds; insurance.**

(a) The directors or managers of a licensed private trust company shall procure and maintain fidelity bonds on all active officers, directors, managers, members acting in a managerial capacity, and employees of the company, regardless of whether they receive a salary or other compensation from the company, in order to indemnify the company against loss because of a dishonest, fraudulent, or criminal act or omission on their part, whether acting alone or in combination with other persons.

(b) Each fidelity bond shall be issued in an amount of at least \$1,000,000.

(c) In lieu of the fidelity bonds required under subsection (a) of this section, a licensed private trust company may increase its capital account required under §31I-1-4(b) of this code by \$1,000,000 so that if it has:

(1) One designated relative, then it is organized or operated with a capital account of at least \$1,250,000;

(2) Two designated relatives, then it is organized or operated with a capital account of at least \$1,350,000; or

(3) Three designated relatives, then it is organized or operated with a capital account of at least \$1,450,000.

(d) The licensed private trust company shall also procure and maintain an errors and omissions insurance policy of at least \$1,000,000 in which it is listed as the insured to cover the acts and omissions of officers, directors, managers, and members acting in a managerial capacity, regardless of whether the person receives a salary or other compensation from the company.

(e) A private trust company or licensed private trust company may also procure and maintain other insurance policies necessary or desirable in connection with the business of the company, including, but not limited to, one or more casualty insurance policies.

(f) A private trust company that is not a licensed private trust company may procure and maintain fidelity bonds as described in this section.

(g) A private trust company that is not a licensed private trust company may procure and maintain errors and omissions insurance coverage as described in this section.

### **§31I-1-13. Rule-making authority by State Auditor.**

The State Auditor shall promulgate emergency rules pursuant to the provisions of §29A-3-15 of this code and may propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code to implement the provisions of this article.

## **CHAPTER 36. ESTATES AND PROPERTY.**

### **ARTICLE 1A. UNIFORM STATUTORY RULE AGAINST PERPETUITIES.**

#### **§36-1A-1. Statutory rule against perpetuities.**

(a) ~~A~~ Except as provided in subsection (e) of this section, a nonvested property interest is invalid unless:

(1) When the interest is created, it is certain to vest or terminate no later than 21 years after the death of an individual then alive; or

(2) The interest either vests or terminates within 90 years after its creation.

(b) ~~A~~ Except as provided in subsection (e) of this section, a general power of appointment not presently exercisable because of a condition precedent is invalid unless:

(1) When the power is created, the condition precedent is certain to be satisfied or become impossible to satisfy no later than 21 years after the death of an individual then alive; or

(2) The condition precedent either is satisfied or becomes impossible to satisfy within 90 years after its creation.

(c) ~~A-Except as provided in subsection (e) of this section, a nongeneral power of appointment or a general testamentary power of appointment is invalid unless:~~

(1) When the power is created, it is certain to be irrevocably exercised or otherwise to terminate no later than 21 years after the death of an individual then alive; or

(2) The power is irrevocably exercised or otherwise terminates within 90 years after its creation.

(d) In determining whether a nonvested property interest or a power of appointment is valid under the provisions of ~~subdivision (1), subsection (a), or subdivision (1), subsection (b), or subdivision (1), subsection (c)~~ of this section, the possibility that a child will be born to an individual after the individual's death is disregarded.

(e) As to any trust administered by a private trust company pursuant to §31I-1-1 *et seq.* of this code on or after July 1, 2023, this subsection shall apply to a nonvested property interest or power of appointment contained in a trust by substituting 1,000 years in place of '90 years' in each place such term appears in this section, unless the terms of the trust require that all beneficial interests in the trust vest or terminate within a lesser period."

And,

By amending the title of the bill to read as follows:

**H. B. 3272** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §31I-1-1, §31I-1-2, §31I-1-3, §31I-1-4, §31I-1-5, §31I-1-6, §31I-1-7, §31I-1-8, §31I-1-9, §31I-1-10, §31I-1-11, §31I-1-12, and §31I-1-13; and to amend and reenact §36-1A-1 of said code, all relating to the operation of private trust companies; creating the West Virginia Private Trust Company Act; setting forth purposes and findings; defining terms; specifying requirements and limitations for and powers of private trust companies and licensed private trust companies; requiring a nonrefundable application fee; creating a special account in the State Treasury; specifying



responsibilities and rule-making authority of the State Auditor; and modifying statutory rule against perpetuities.”

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. 197**), 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: Dillon, Foggin, Kirby and Vance.

Absent and Not Voting: Bridges and Hott.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3272) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

### **Resolutions Introduced**

Resolutions were introduced and severally referred as follows:

**By Delegates Ward, Smith, Crouse, Hott, Ridenour, Thorne, Maynor, Marple, Dean, Lucas and Keaton:**

**H. C. R. 49** – “Requesting the Division of Highways name Bridge Numbers: 16-048/00-024.02 (EB & WB) (16A128, 16A129), (39.04482, -78.73543) locally known as LOST RIVER #1 EB & WB, carrying US 48 over LOST RIVER in Hardy County, the “U. S. Army 1SG Elmer C. Lofton Memorial Bridge”; to the Committee on Technology and Infrastructure then Rules.

And,

**By Delegate Toney:**

**H. C. R. 50** – “Requesting the Division of Highways name Bridge Number: 41-001/04-000.02 (41A010), (37.95138, -81.43833) locally known as Colcord Bridge, carrying CR 01/04 over Clear Fork in Raleigh County, the ‘U. S. Army PVT Leon

“Deacon” Stover Memorial Bridge””; to the Committee on Technology and Infrastructure then Rules.

### **Bills Introduced**

On motion for leave, a bill was introduced and referred as follows:

**By Delegates Hanshaw (Mr. Speaker) and Skaff  
[By Request of the Executive]:**

**H. B. 3557** - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Veterans’ Assistance, fund 8858, fiscal year 2023, organization 0613, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; to the Committee on Finance.

### **Motions**

Delegate Steele moved to take from the table the motion on yesterday regarding discharging H. B. 2036 from the Committee on Health and Human Resources.

On the question that the discharge motion be taken from the table, the yeas and nays were demanded, which demand was sustained.

Having been ordered, the yeas and nays were taken (**Roll No. 198**), and there were—yeas 14, nays 84, absent and not voting 2, with the yeas and the absent and not voting being as follows:

Yeas: Brooks, Butler, Coop-Gonzalez, Dean, Dillon, Foster, A. Hall, Kirby, Kump, Petitto, Ridenour, Ross, Steele and Vance.

Absent and Not Voting: Bridges and Hott.

So, a majority of the members present not having voted in the affirmative, the motion was rejected.

## Special Calendar

### Third Reading

**H. B. 2937**, To reduce the business license fee for WV Volunteer Fire Departments to \$250; 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. 199**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Fast.

Absent and Not Voting: Bridges and Hott.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2937) passed.

Delegate Householder moved that the bill take effect July 1, 2023.

On this question, the yeas and nays were taken (**Roll No. 200**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Bridges and Hott.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2937) takes effect July 1, 2023.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3233**, Relating generally to uniform and equipment allowances for the National Guard; 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. 201**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Bridges and Hott.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3233) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

### Second Reading

**Com. Sub. for H. B. 3337**, Prohibiting additional drug and alcohol treatment facilities and services in a certain county; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3340**, To revise the West Virginia Tax Increment Financing Act; on second reading, coming up in regular order, was read a second time.

Delegate Kimble moved to amend the bill on page 14, section 7, on line 114, after the word “section” and the comma by striking the word “and”;

On page 14, section 7, beginning on line 115, after the word “Office” by striking the period and inserting a in lieu thereof a comma and the following:

“and obtain the formal consent of the governing body of any Class I, II, III, or IV municipality a portion of which is located within the boundaries of the development or redevelopment district.”;

And,

On page 14, section 7, beginning on line 117, by striking the words:

“No consent or approval from the local levying bodies having the power to levy taxes on property within the development or redevelopment district shall be required in order to amend such order or ordinance for the purposes herein described, aside from the county commission or the governing body of the municipality which is amending such order or ordinance.”

Delegate Petitto arose to speak to the amendment a second time, which consent was not granted, objection being heard.

On the adoption of the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 202**), and there were—yeas 36, nays 61, absent and not voting 3, with the yeas and the absent and not voting being as follows:

Yeas: Adkins, Burkhammer, Butler, Cooper, Coop-Gonzalez, Crouse, Devault, Dillon, Fast, Griffith, A. Hall, Hansen, Hillenbrand, Jeffries, Jennings, Kimble, Kirby, Kump, Longanacre, Mallow, Marple, Martin, Mazzocchi, McGeehan, Nestor, Phillips, C. Pritt, Pushkin, Ridenour, Ross, Summers, Thorne, Vance, Walker, Ward and Worrell.

Absent and Not Voting: Bridges, Hott and Riley.

So, a majority of the members present not having voted in the affirmative, the amendment was rejected.

The bill was then ordered to engrossment and third reading.

At 12:15 p.m., on motion of Delegate Householder, the House of Delegates recessed until 6:00 p.m.

\* \* \* \* \*

### Evening Session

\* \* \* \* \*

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

### **Reordering of the Calendar**

Pursuant to the action of the Committee on Rules, Delegate Householder announced that

Com. Sub. for S. B. 160, S. B. 246, Com. Sub. for S. B. 463, Com. Sub. for H. B. 2189, H. B. 3509, H. B. 3511, H. B. 3512, H. B. 3513, H. B. 3514, H. B. 3515, H. B. 3516, H. B. 3517, H. B. 3518 and H. B. 3524, on First Reading, Special Calendar, had been transferred to the House Calendar; and H. B. 2827, H. B. 3353, H. B. 3387, H. B. 3391 and H. B. 3431, on Second Reading, House Calendar, had been transferred to the Special Calendar.

### **Special Calendar**

#### **Second Reading**

**H. B. 2827**, Make public charter schools eligible for Safe Schools Funds; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3353**, Relating to the limitations on the financial relationships with foreign entities that have values antithetical to those of the State of West Virginia; on second reading, coming up in regular order, was read a second time.

Delegate Pushkin moved to amend the bill on page 7, line 106, following the period at the end of Section 2, by inserting the following:

**“CHAPTER 6B. PUBLIC OFFICERS AND EMPLOYEES;  
ETHICS; CONFLICTS OF INTEREST; FINANCIAL  
DISCLOSURE.**

**ARTICLE 2. WEST VIRGINIA ETHICS COMMISSION;  
POWERS AND DUTIES; DISCLOSURE OF  
FINANCIAL INTEREST BY PUBLIC OFFICIALS AND  
EMPLOYEES; APPEARANCES BEFORE PUBLIC**

**AGENCIES; CODE OF CONDUCT FOR  
ADMINISTRATIVE LAW JUDGES.**

**§6B-2-5c. State public officials prohibited from doing business with foreign entities that possess antithetical values to the state of West Virginia.**

The Legislature finds that the requirements of §5A-3-3d of this code that prohibit the state from conducting business with entities that sponsor terrorism shall also apply to every elected or appointed public official of the state, to prohibit these officials from having a conflict of interest when serving in his or her capacity as a public official by actively investing in foreign entities prohibited by law from doing business with the State of West Virginia. Therefore, any person serving as a public official who owns any financial interest in any foreign entity which the state is prohibited from doing business pursuant to §5A-3-3d of this code is prohibited from taking any action associated with his or her financial interests detrimental to the state, and shall place that asset in a blind trust as provided for in §6B-2-8 of this code during his or her term of office. Any such state public official is prohibited as a matter of public policy during his or her time serving in public office from taking any action that supports any foreign entity which sponsors terrorism consistent with the provisions of §5A-3-3d of this code.”

Delegate Linville arose to inquire of the Chair regarding the germaneness of the amendment.

The Speaker ruled that the amendment was germane.

On the adoption of the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 203**), and there were—yeas 19, nays 74, absent and not voting 7, with the yeas and the absent and not voting being as follows:

Yeas: Brooks, Butler, Dillon, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Kirby, Longanacre, Martin, E. Pritt, Pushkin, Rowe, Skaff, Vance, Walker, Williams and Young.

Absent and Not Voting: Bridges, Capito, Cooper, Hott, Jeffries, Kump and Pinson.

So, a majority of the members present not having voted in the affirmative, the amendment was rejected.

Delegates Fluharty, Skaff, Griffith, Rowe, Walker, Hansen, Williams, Young, E. Pritt, Pushkin, Garcia and Hornbuckle moved to amend the bill on page 2, section 3d, line 40, following the word “Vietnam” by inserting the following:

“(vi) Russian federation.”

On the adoption of the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 204**), and there were—yeas 20, nays 72, absent and not voting 8, with the yeas and the absent and not voting being as follows:

Yeas: Fast, Fluharty, Garcia, Griffith, Hanna, Hansen, Holstein, Hornbuckle, Nestor, Petitto, E. Pritt, Pushkin, Ridenour, Rowe, Skaff, Steele, Vance, Walker, Williams and Worrell.

Absent and Not Voting: Bridges, Capito, Cooper, Hott, Jeffries, Kump, Pinson and Young.

So, a majority of the members present not having voted in the affirmative, the amendment was rejected.

On motion of Delegate McGeehan, the bill was amended on page 2, section 3d, line 41 by striking subsection (c) in its entirety and inserting in lieu thereof a new subsection to read as follows:

“(c) A public entity may not enter a contract with a company for goods or services unless the contract includes written certification that the company provides no direct financial benefit to a foreign entity with values antithetical to those of the State of West Virginia and is able to provide evidence to that end. For purposes of this section, “direct financial benefit” is that which is realized through the ownership of the company or ownership of



any other entity that participates in ownership of the company. Such evidence should include documentation demonstrating ownership layers that conclude with individual natural persons. “

There being no further amendments, the bill was ordered to engrossment and third reading.

**H. B. 3387**, Extending the moratorium on the authorization of new convention and visitors bureaus for an additional two years; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3391**, Establishing filing deadlines for appeals of property tax valuations and issues involving property tax classification and taxability to the West Virginia Office of Tax Appeals; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3431**, Eliminating the requirement that the apprenticeship training tax credit base be limited to wages paid to apprentices in the construction trades; 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 H. B. 2252**, Relating to establishing criminal penalties for human trafficking,

**Com. Sub. for H. B. 2761**, To allow classroom aides with 10 or more years of service and good evaluations to bid on teaching positions,

**Com. Sub. for H. B. 2865**, To clarify that the PSC may enter an order requiring corrective measures up to and including an acquisition of a distressed or failing utility,

**Com. Sub. for H. B. 3006**, West Virginia Critical Infrastructure Protection Act,

**H. B. 3188**, Relating to the establishment of an alert system for missing cognitively impaired persons,

**Com. Sub. for H. B. 3189**, The PFAS Protection Act,

**Com. Sub. for H. B. 3198**, Relating to obtaining title to abandoned or junked motor vehicles abandoned on the property or place of business of an automobile dealer,

**Com. Sub. for H. B. 3247**, Relating to abuse and or neglect of individuals with an intellectual and or developmental disability,

**Com. Sub. for H. B. 3265**, Remove statutory mandates that the sheriff of a county shall serve process or is responsible for cost of service or arrest by another law enforcement agency,

**H. B. 3417**, Including Potomac State College in the definition of community and technical college education program for participation in the “Learn and Earn Program”,

**H. B. 3448**, Relating generally to probation officer field training,

**H. B. 3499**, To permit joint tenancy with rights of survivorship when transfer on death deeds specify a joint tenancy with right of survivorship,

And,

**H. B. 3555**, Relating to student purchase and refunds of course material.

### **Leaves of Absence**

At the request of Delegate Householder, and by unanimous consent, leaves of absence for the day were granted Delegates Bridges and Hott.

**Miscellaneous Business**

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

**H. B. 2122:** Delegate Hillenbrand;

**H. B. 2026:** Delegate Espinosa;

**H. B. 2182:** Delegate Dittman;

And,

**H. B. 3551:** Delegates Clark, Crouse, Fluharty, Garcia and Shamblin.

At 6:31 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 23, 2023.

---

Thursday, February 23, 2023

**FORTY-FOURTH DAY**

[DELEGATE HANSHAW, MR. SPEAKER, IN THE CHAIR]

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Wednesday, February 22, 2023, being the first order of business, when the further reading thereof was dispensed with.

**Reordering of the Calendar**

Pursuant to the action of the Committee on Rules, Com. Sub. for H. B. 2538, H. B. 2607, Com. Sub. for H. B. 2917, Com. Sub. for H. B. 3005, Rev. Com. Sub. for H. B. 3110, Com. Sub. for H. B. 3148, H. B. 3376, H. B. 3441, H. B. 3547, H. B. 3548 and H. B. 3549, on Third Reading, House Calendar, were transferred to the Special Calendar; Com. Sub. for H. B. 2016, Com. Sub. for H. B. 2483, Com. Sub. for H. B. 2567, Com. Sub. for H. B. 2648, Com. Sub. for H. B. 2759, Com. Sub. for H. B. 2760, Com. Sub. for H. B. 3013, Com. Sub. for H. B. 3059, Com. Sub. for H. B. 3214, Com. Sub. for H. B. 3274, Com. Sub. for H. B. 3341, Com. Sub. for H. B. 3398, Com. Sub. for H. B. 3409, H. B. 3444, Com. Sub. for H. B. 3450, H. B. 3459, H. B. 3473, Com. Sub. for H. B. 3479, Com. Sub. for H. B. 3482, Com. Sub. for H. B. 3484, H. B. 3487, H. B. 3493, H. B. 3552 and H. B. 3554, on First Reading, House Calendar, were transferred to the Special Calendar; and S. B. 131, on First Reading, Special Calendar, was transferred to the House Calendar.

**Committee Reports**

On motion for leave, a bill was introduced (Originating in the Committee on Economic Development and Tourism and reported

with the recommendation that it do pass), which was read by its title, as follows:

**By Delegates Howell, Hornby, Kirby, A. Hall, Fehrenbacher, Clark and Petitto:**

**H. B. 3558** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36B-1-203a, relating to providing an exception to the provisions of the Uniform Common Interest Ownership Act (UCIOA) for planned communities which prescribe in their declaration that the act will not apply.”

Delegate Jennings, Chair of the Committee on Veterans’ Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans’ Affairs and Homeland Security has had under consideration:

**Com. Sub. for S. B. 419**, Establishing standards for licensure of military trained applicants,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 419) was referred to the Committee on Government Organization.

Delegate Jennings, Chair of the Committee on Veterans’ Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans’ Affairs and Homeland Security has had under consideration:

**Com. Sub. for S. B. 527**, Allowing family members of military personnel access to discharge records,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 527) was referred to the Committee on the Judiciary.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

**Com. Sub. for S. B. 51**, Requiring impact statement in certain instances of school closing or consolidation,

And reports the same back with the recommendation that it do pass.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

**H. B. 3386**, To provide all National Merit Scholars free tuition to any West Virginia higher education institution in order to keep these scholars in state,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 3386) was referred to the Committee on Finance.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

**H. B. 3095**, Creating a Department of Economic Development grant program relating to agricultural vocational and technical training facilities at West Virginia schools,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3095** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2-16a; and to amend and reenact §18-9D-3 of said code, all relating to creating special revenue account in the State Treasury known as School Building Authority Agricultural, Vocational and Technical Training Facilities Grant Fund; purposes and fund sources; providing for awarding grants with limitation; authorizing public-private partnerships; authorizing program rules and emergency rules if necessary; providing for project administration under grants by the School Building Authority and School Building Authority and providing for constructing, renovating and/or expanding agricultural, vocational and technical training facilities at West Virginia public schools,”

With the recommendation that the committee substitute do pass.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

**Com. Sub. for S. B. 121**, Creating Student Journalist Press Freedom Protection Act,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 121) was referred to the Committee on the Judiciary.

Delegate Criss, Chair of the Committee on Finance submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**H. B. 3299**, Relating to Natural Resource Police Officer Retirement,

And reports the same back, with a title amendment, with the recommendation that it do pass, as amended.

Delegate Criss, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**H. B. 2026**, Transferring municipal police officers from the Public Employees Retirement System to the Municipal Police Officers and Firefighters Retirement System,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2026** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §8-22A-33a, relating to additional opportunity for municipal police officers or firefighters to transfer into the Municipal Police Officers and Firefighters Retirement System; providing for transfer of assets pertaining to municipal police officers or firefighters; requiring certain computations to be made by the Consolidated Public Retirement Board; requiring certain payments; and terminating liability of the Public Employees Retirement System,”

**H. B. 3211**, Relating to authorizing service credit for unused accrued annual or sick leave days for use in determining retirement benefits from the municipal police and fire firefighter retirement systems still administered by municipalities,

And reports back a committee substitute therefor, 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,”

**H. B. 3254**, Establishing a State Military Funeral Honor Guard in honor of Hershel “Woody” Williams, known as the Hershel “Woody” Williams State Military Funeral Honor Guard,



And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3254** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-1B-28, relating to establishing the Hershel “Woody” Williams State Military Funeral Honor Guard; authorizing the Honor Guard to render professional military funeral honors under certain circumstances; providing eligibility; providing the adjutant general with certain authority; and providing effective date,”

**H. B. 3280**, To cause law enforcement and DNR agencies whose officers fall under PERS to submit to Tax a report at the time of retirement so that these officers qualify for the law enforcement officers’ tax credit,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3280** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-7-1 of said code, all relating to modifications reducing federal adjusted gross income for certain pension benefits; and authorizing additional modifications for pension benefits paid to Division of Natural Resources police, deputy sheriffs, full-time firefighters, and municipal police officers,”

And,

**H. B. 3364**, Requiring the closure of certain municipal policemen’s and firemen’s pension and relief funds as condition of issuance of pension funding revenue bonds,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3364** - “A Bill to amend and reenact §8-33-4a of the Code of West Virginia, 1931, as amended, relating to the issuance of pension funding revenue bonds; and requiring the closure of certain municipal policemen’s and firemen’s pension and relief funds as condition of issuance of pension funding revenue bonds,”

With the recommendation that the committee substitutes each do pass.

Delegate Criss, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**H. B. 3244**, Relating to Municipal Pensions Oversight Board proposing legislative rules,

**H. B. 3519**, Making a supplementary appropriation to the Department of Transportation, Division of Motor Vehicles,

**H. B. 3520**, Making a supplementary appropriation to the Department of Education, State Board of Education – Vocational Division,

**H. B. 3521**, Making a supplementary appropriation to the Division of Health – Maternal and Child Health,

**H. B. 3522**, Making a supplementary appropriation to the Department of Commerce, Division of Natural Resources – License Fund – Wildlife Resources,

**H. B. 3523**, Making a supplementary appropriation to Miscellaneous Boards and Commissions, Economic Development Authority,

And,

**H. B. 3528**, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations,

And reports the same back with the recommendation that they each do pass.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

**H. B. 3432**, Relating to statutory construction,

And reports the same back with the recommendation that it do pass.

Delegate Phillips, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 3424**, Relating generally to the West Virginia State Athletic Commission,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 3424) was referred to the Committee on Finance.

Delegate Phillips, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 2782**, Require all municipal elections be held on the same election day in November that other state elections are on,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2782) was referred to the Committee on the Judiciary.

Delegate Phillips, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 3490**, Relating to consolidation of local governments,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 3490) was referred to the Committee on the Judiciary.

Delegate Phillips, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 2305**, Relating to titling and registration of foreign market vehicles,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2305** - "A Bill to amend and reenact §17A-1-1 and §17A-3-5 of the Code of West Virginia, 1931, as amended, relating to foreign market vehicles at least 25 years old; defining a term; allowing foreign market vehicles at least 25 years old to be exempted from title requirements and to be registered under this article for an additional \$25 fee,"

And,

**H. B. 2860**, To dispose of old AFFF foam accumulated by fire departments,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2860** - "A Bill to amend and reenact §29-3-5g of the Code of West Virginia, 1931, as amended, relating to providing for the safe disposal of used aqueous film forming foam; defining a term; requiring the State Fire Commission to dispose of used aqueous film forming and other class B fire-fighting foams,"

With the recommendation that the committee substitutes each do pass.

Delegate Howell, Chair of the Committee on Economic Development and Tourism submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

**H. C. R. 31**, Permitting the West Virginia Department of Tourism to proceed with procuring bids/interest in companies to place a lodge on the property of Beech Fork Lake,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. C. R. 31** - "Permitting the West Virginia Division of Natural Resources to proceed with procuring bids and interest in companies to place a lodge on the property of Beech Fork Lake,"

With the recommendation that the committee substitute be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolution (Com. Sub. for H. C. R. 31) was referred to the Committee on Rules.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

**H. B. 3042**, Relating to forbidding excessive government limitations on exercise of religion,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3042** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §35-1A-1, all relating to forbidding excessive government limitations on exercise of religion; forbidding

government from treating religious conduct more restrictively than any conduct of reasonably comparable risk; forbidding government from treating religious conduct more restrictively than comparable conduct because of alleged economic need or benefit; ensuring that, in all cases where state action is alleged to substantially burden the exercise of religion, that a compelling interest test is mandated, and strict scrutiny is applied; providing remedies; and addressing applicability and construction,”

**H. B. 3271**, Relating to increasing monitoring of special education classrooms,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3271** - “A Bill to amend and reenact §18-20-11 of the Code of West Virginia, 1931, as amended, relating to increasing monitoring of special education classrooms; adding that an audio recording device be present in the restroom of a self-contained classroom; requiring that notice of audio recording device be placed on bathroom door; requiring county to monitor school audio recordings for at least 15 minutes every 90 days; and setting forth other review parameters for audio recordings,”

**H. B. 3363**, Law Enforcement Officers Safety Act,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3363** - “A Bill to amend and reenact §15A-3-10 of the Code of West Virginia, 1931, as amended; relating to recognizing the law-enforcement powers of correctional officers employed by the Division of Corrections and Rehabilitation; providing that such officers are not subject to certain certification requirements; authorizing the commissioner to consult with the Law Enforcement Professional Standards Subcommittee with regard to training; clarifying powers of arrest; and clarifying application of the federal Law Enforcement Officers Safety act to eligible employees,”

And,

**H. B. 3421**, Recodifying the code to eliminate conflicts,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3421** - “A Bill to amend and reenact §3-1-30 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-12-17 of said code; to amend and reenact §8-13-5 of said code; to amend and reenact §12-7-12 of said code; to amend and reenact §16-5V-2 of said code; to amend and reenact §18-8-1a of said code; to amend and reenact §18A-3-2a, of said code; to amend and reenact §21-5-1 of said code; to amend and reenact §22C-9-4 of said code; to amend and reenact §24-2-1 of said code; to amend and reenact §24A-2-2b of said code; to amend and reenact §29-6-4 of said code; to amend and reenact §46A-8-101 of said code; to amend and reenact §61-12-3 of said code; all relating to recodifying portions of the code to eliminate conflicts,”

With the recommendation that the committee substitutes each do pass.

### **Messages from the Executive**

Communications from His Excellency, the Governor, advised that on February 22, 2023, he approved **Com. Sub. for H. B. 2412** and **H. B. 2602**.

### **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. 2006**, Relating to reorganizing the Department of Health and Human Resources.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 297** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated, §5B-2K-1, §5B-2K-2, §5B-2K-3, §5B-2K-4, §5B-2K-

5, §5B-2K-6, §5B-2K-7, §5B-2K-8, §5B-2K-9, §5B-2K-10, §5B-2K-11, §5B-2K-12, and §5B-2K-13, all relating to creation of the Mountain Homes Act; setting forth a short title; setting forth legislative findings; defining terms; providing for rulemaking; providing for an effective date; providing for a sunset date; creating the Mountain Homes Fund; providing for the purposes of the fund; providing for administration of the fund; providing for recordkeeping; requiring reporting to the Joint Committee on Government and Finance and the Governor; setting forth required elements for the report; exempting certain materials from the Freedom of Information Act; establishing eligibility requirements for guarantee agreement; requiring an application for guarantee agreement; setting forth required elements in application; providing for decision on application for guarantee; establishing evaluation standards and criteria; providing for guarantee agreement; setting forth required terms in agreement; allowing for an extension of time; requiring adjacent properties to be subject to additional guarantee; providing for project administration and certification; setting forth powers and duties of secretary of Department of Economic Development; prohibiting certain projects; and providing for violations and criminal penalties”; which was referred to the Committee on Economic Development and Tourism then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 429** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3uu, relating to authorizing county commissions to impose a Health and Safety Fee for tourism and recreational activities within the county; listing applicable activities and how fee to be calculated thereon; providing that fee may only be collected once on any seasonal or annual pass purchased for activities to which fee is applicable; establishing that fee may not be collected or imposed on activities within municipalities that have levied an amusement tax; establishing who owes fee,



collection, and remittance to county; authorizing counties to promulgate administrative procedures for collection of fee; providing that the sheriff is the county's agent for collection of fee; and establishing requirements for use of proceeds from fee"; which was referred to the Committee on Economic Development and Tourism then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2023, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 436** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-10-1 and §12-10-2, all relating to prompt payment of legitimate uncontested invoices by state agencies; providing that registered and qualified vendors shall be entitled to prompt payment upon presentation to a state agency of a legitimate uncontested invoice; providing the rate of interest and manner of calculation; determining the date an invoice is considered received by a state agency; outlining rights of state agencies to receive updated invoices with interest prior to payment; requiring state agencies to explain and calculate interest on the payment claim at the time it is submitted to the State Auditor; providing the timeline in which state agencies shall process payments; providing the timeline in which state agencies shall process payments for other agencies; providing for the definition of "state agency"; and providing for exceptions"; which was referred to the Committee on Government Organization then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 523** - "A Bill to amend and reenact §31-15-23a of the Code of West Virginia, 1931, as amended, relating to funding for infrastructure and economic development; clarifying the purposes and use of the Economic Development Project Fund; providing that funds may be used solely for loans; providing for

repayment of loans; providing a maximum of amount of the funds that may be used for financing high impact development projects; allowing for traditional loans; setting a maximum amount of funding for traditional loans; allowing for retention loans; setting a maximum amount of funding for retention loans; and providing for interest to be retained in the loan programs”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 539** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-22-4, relating to providing state and its political subdivisions with ability and process by which to negotiate lower price for construction work when all bids received exceed the maximum budgeted amount; establishing ability to make negotiated award to lowest responsive and responsible bidder when there are multiple bidders; and setting sunset date”; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 553** - “A Bill to amend and reenact §5A-3-10e of the Code of West Virginia, 1931, as amended, relating to allowing for evaluation of prequalified bidders to be based on best value”; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 580** - “A Bill to amend and reenact §11-8-16 and §11-8-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §13-1-7 of said code, all relating to authorizing a special election for presenting the question of a special levy renewal for levies expiring prior to July 1, 2024; and authorizing the resubmission of questions to the voters at a regularly scheduled primary or general election for certain levy questions rejected at a prior election”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2023, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 596** - “A Bill to amend and reenact §15A-3-16 of the Code of West Virginia, 1931, as amended; relating to the payment of payment for housing and maintenance of inmates; setting a per day, per inmate base rate; establishing a means of calculating fees; providing for a reduced rate in certain circumstances; providing for an enhanced rate in certain circumstances; providing for recalculation every decennial; requiring publication on the agency webpage; establishing an effective date; providing for official and personal liability for payment; and providing for an exception to personal liability”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 621** - “A Bill to amend and reenact §49-4-601 of the Code of West Virginia, 1931, as amended, relating to service of parties in child abuse and neglect matters; requiring the sheriff to serve the abuse and neglect petition and notice of a preliminary hearing without compensation; clarifying the procedure for notices of subsequent hearings and service via publication; and exempting the sheriff from further obligations to provide service, mailings, or publications after serving the petition

and notice of preliminary hearing”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 630** - “A Bill to amend the Code of West Virginia 1931, as amended, by adding thereto a new section, designated §61-5-17a, relating to creating the offense of knowingly and willfully obstructing a social service worker or home incarceration supervisor, acting in his or her official capacity thereby causing the death of the social worker or home incarceration supervisor; defining social service worker; and establishing the criminal penalty therefor as life in prison with parole eligibility after service of 15 years”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 635** - “A Bill to amend and reenact §61-8-9 of the Code of West Virginia, 1931, as amended, relating to indecent exposure of a person’s nude penis, vagina, or anus; declaring that indecent exposure requires exposing one’s nude penis, vagina, or anus; authorizing a person convicted of third offense indecent exposure for purposes of sexual gratification to be both fined and imprisoned; creating enhanced penalties for second and subsequent violations; creating the criminal offense of indecent exposure in front of minors; removing breast-feeding exemption as unnecessary due to definition clarification; defining terms; and establishing criminal penalties for the new offense”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 674** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4, and §5-30-5, all relating to recognizing the creation of the West Virginia First Foundation pursuant to the terms of the West Virginia First Memorandum of Understanding; setting forth legislative findings; defining terms; specifying governing board membership; providing for appointment of an executive director of the governing board and setting forth qualifications; providing for audit and review of the foundation; and requiring local governments, regions, and the foundation to prepare annual reports”; which was referred to the Committee on the Judiciary.

### **Resolutions Introduced**

Resolutions were introduced and severally referred as follows:

**By Delegates Anderson, Zatezalo, Fehrenbacher, Barnhart, Foggin, Young, Heckert, Warner, Rowe, Hansen and Street:**

**H. R. 17** – “Urging the West Virginia Geologic and Economic Survey to work collectively with private industry, higher education institutions, with the support of the West Virginia Development Office, to evaluate policy options to encourage the capture and beneficial use of coal mine methane”; to the Committee on Energy and Manufacturing then Rules.

And,

**By Delegates Coop-Gonzalez and Nestor:**

**H. C. R. 51** – “Requesting the Division of Highways name bridge number 42-092/00-035.05 (42A241), (38.93675, -79.87766) locally known as CRYSTAL SPRINGS BRIDGE, carrying WV 92 over LEADING CREEK in Randolph County, the

‘U. S. Army SFC Samuel Evans Miller Memorial Bridge’”; to the Committee on Technology and Infrastructure then Rules.

### **Motions**

Delegate Heckert asked and obtained unanimous consent to be added as a cosponsor of H. B. 3552.

Delegate C. Pritt asked and obtained unanimous consent to be added as a cosponsor of H. B. 3353.

### **Special Calendar**

#### **Unfinished Business**

The following resolutions, coming up in regular order as unfinished business, were, in the absence of objection, considered en masse:

**H. C. R. 14**, Stanley W. and Evelyn C. See Memorial Bridge,

**H. C. R. 16**, U. S. Army Staff Sgt. James Ira “Junior” Spurrier Memorial Bridge,

**H. C. R. 21**, Michael Lee “Rube” Ruben Memorial Bridge,

**H. C. R. 22**, U.S. Army T/5 Doyle Bedell Taylor Memorial Bridge,

**H. C. R. 24**, U. S. Army PFC Herman H. Lucas Memorial Bridge,

**H. C. R. 26**, U.S. Army SGT Samuel D. Roberts Sr. Memorial Bridge,

**H. C. R. 28**, Terra Dawn Lewis Memorial Road and Bridge,

And,

**H. C. R. 32**, The Albert “Ab” Baisden Memorial Bridge.

On the question of the adoption of the resolutions, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 205**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Hott and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the resolutions (H. C. R. 14, H. C. R. 16, H. C. R. 21, H. C. R. 22, H. C. R. 24, H. C. R. 26, H. C. R. 28 and H. C. R. 32) adopted.

*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. C. R. 2**, U. S. Army Cpl. Billy F. Mann Memorial Bridge; coming up in regular order, as unfinished business, was reported by the Clerk.

On the question of the adoption of the resolution, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 206**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Hott and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the resolution (Com. Sub. for H. C. R. 2) adopted.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates. and request concurrence therein.

**H. C. R. 25**, U. S. Marine Corps, PFC John Louis “Johnny” Brumbaugh, Jr. Memorial Bridge; coming up in regular order, as unfinished business, was reported by the Clerk.

On the question of the adoption of the resolution, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 207**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Hott and Riley.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (H. C. R. 25) adopted.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates. and request concurrence therein.

**H. C. R. 27**, Requesting Joint Committee on Government and Finance study all benefits of state employees to determine which benefits, if any, may be refused by an employee in exchange for a cash equivalent; coming up in regular order, as unfinished business, was reported by the Clerk, and adopted.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates. and request concurrence therein.

### Third Reading

**Com. Sub. for H. B. 2538**, Requiring usage of child welfare information technology systems; 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. 208**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Hott and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2538) passed.

Delegate Kelly moved that the bill take effect from its passage.



On this question, the yeas and nays were taken (**Roll No. 209**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Hott and Riley.

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. 2538) 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. 2607**, Clarify that vehicles with a capacity larger than 10 passengers may be used to transport students provided that no more than 10 passengers may be transported at one time; 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. 210**), 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: Toney and Vance.

Absent and Not Voting: Garcia, Hott and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2607) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 2827**, Make public charter schools eligible for Safe Schools Funds; 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. 211**), 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: Adkins.

Absent and Not Voting: Hott, Riley and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2827) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 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 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. 212**), 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: Hott, Riley and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2917) passed.

Delegate Kelly moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 213**), 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: Hott, Riley and Williams.

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.

**Com. Sub. for H. B. 3005**, Relating to accelerating the conversion of the state excise tax on the privilege of transferring real property into a county excise tax; 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. 214**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Foster, Linville and Tully.

Absent and Not Voting: Hott and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3005) passed.

Delegate Kelly moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 215**), 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: Howell and Linville.

Absent and Not Voting: Hott and Riley.

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. 3005) 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.

**Rev. Com. Sub. for H. B. 3110**, Relating to funding the Office of Oil and Gas in the Department of Environmental Protection; 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. 216**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Hott and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Rev. Com. Sub. for H. B. 3110) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3148**, Relating to financing municipal policemen's and firemen's pension and relief funds; 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. 217**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Hott and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3148) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3337**, Prohibiting additional drug and alcohol treatment facilities and services in a certain county; 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. 218**), and there were—yeas 77, nays 21, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Bridges, Clark, Coop-Gonzalez, Fluharty, Foster, Garcia, Hansen, Hornbuckle, Howell, Linville, Martin, C. Pritt, E. Pritt, Pushkin, Ross, Skaff, Summers, Tully, Walker, Williams and Young.

Absent and Not Voting: Hott and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3337) passed.

On motion of Delegate Summers, the title of the bill was amended to read as follows:

**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 licensed substance abuse treatment beds in certain counties; and making recent purchases exempt.”

Delegate Kelly moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 219**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Clark, Howell and Linville.

Absent and Not Voting: Hott and Riley.

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 and request concurrence therein.

**H. B. 3340**, To revise the West Virginia Tax Increment Financing Act; 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. 220**), and there were—yeas 73, nays 24, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Adkins, Burkhammer, Butler, Coop-Gonzalez, Dillon, Fast, A. Hall, Jennings, Kimble, Kirby, Kump, Longanacre, Mallow, Martin, McGeehan, Nestor, Phillips, C. Pritt, Pushkin, Ridenour, Street, Summers, Vance and Worrell.

Absent and Not Voting: Hott, Riley and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3340) passed.

Delegate Kelly moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 221**), and there were—yeas 82, nays 15, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Adkins, Burkhammer, Butler, Coop-Gonzalez, Dillon, A. Hall, Kimble, Kump, Longanacre, Martin, McGeehan, Nestor, C. Pritt, Summers and Vance.

Absent and Not Voting: Hott, Riley 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. 3340) 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. 3353**, Relating to the limitations on the financial relationships with foreign entities that have values antithetical to

those of the State of West Virginia; 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. 222**), 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: Coop-Gonzalez, A. Hall, Hott, Marple and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3353) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 3376**, Relating to changing the term teacher in residence to clinical teacher of record; 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. 223**), 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: Coop-Gonzalez, Hott, Marple, Ridenour and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3376) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 3387**, Extending the moratorium on the authorization of new convention and visitors bureaus for an additional two years; 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. 224**), and there were—yeas 88, nays 8, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Dean, Dillon, Jennings, Kump, Martin, Pushkin, Vance and Young.

Absent and Not Voting: Hott, Marple, Ridenour and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3387) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 3391**, Establishing filing deadlines for appeals of property tax valuations and issues involving property tax classification and taxability to the West Virginia Office of Tax Appeals; 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. 225**), and there were—yeas 89, nays 6, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Dillon, Fluharty, A. Hall, Rowe, Storch and Vance.

Absent and Not Voting: DeVault, Hott, Kirby, Marple and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3391) passed.

Delegate Kelly moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 226**), and there were—yeas 91, nays 3, absent and not voting 6, with the nays and the absent and not voting being as follows:



Nays: Dillon, A. Hall and Vance.

Absent and Not Voting: DeVault, Hott, Kirby, Longanacre, Marple and Riley.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3391) 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. 3431**, Eliminating the requirement that the apprenticeship training tax credit base be limited to wages paid to apprentices in the construction trades; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 227**), and there were—yeas 92, nays 1, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Hardy.

Absent and Not Voting: Foggin, Hott, Kirby, Longanacre, Marple, Mazzocchi and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3431) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 3441**, Revising the training requirements for members of the Higher Education Policy Commission, Council for Community and Technical College Education and the institutional governing boards; 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. 228**), 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: Hott, Kirby and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3441) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 3547**, Increasing the number of personal leave days that county board of education employees may use; 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. 229**), 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: Hott, Kirby, Riley and Rowe.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3547) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 3548**, Relating to teacher duty-free lunch and daily planning periods; 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. 230**), 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: Hott, Kirby and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3548) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 3549**, Relating to classroom teachers and special education classroom teachers individualized education program requirements; 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. 231**), 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: Foggin.

Absent and Not Voting: Hott, Kirby and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3549) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

At 1:36 p.m., on motion of Delegate Kelly, the House of Delegates recessed until 6:00 p.m.

\* \* \* \* \*

### **Evening Session**

\* \* \* \* \*

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 3122**, Permitting certain types of rifles using an encapsulated propellant charge that loads from the breech.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates, with further amendment, and the passage, as amended, of

**S. B. 128**, Clarifying authority of Governor and Legislature to proclaim and declare state of emergency and preparedness.

On motion of McGeehan, 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 5. DIVISION OF HOMELAND SECURITY AND  
EMERGENCY MANAGEMENT.**

**§15-5-2. Definitions.**

As used in this article:

(1) ‘Board’ means the West Virginia Disaster Recovery Board created by this article;

(2) ‘Code’ means the Code of West Virginia, 1931, as amended;

(3) ‘Community facilities’ means a specific work, or improvement within this state or a specific item of equipment or tangible personal property owned or operated by any political subdivision or nonprofit corporation and used within this state to provide any essential service to the general public;

(4) ‘Critical infrastructure’ includes any systems and assets, whether physical or virtual, so vital to the state that the incapacity or destruction of such systems and assets would have a debilitating impact on security, state economic security, state public health or safety, or any combination of those matters;

(5) 'Disaster' means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or terrorist or man-made cause, including weapons of mass destruction, fire, flood, earthquake, wind, snow, storm, chemical or oil spill or other water or soil contamination, epidemic, air contamination, blight, drought, infestation or other public calamity requiring emergency action;

(6) 'Disaster recovery activities' means activities undertaken prior to, during or following a disaster to provide, or to participate in the provision of, critical infrastructure, emergency services, temporary housing, residential housing, essential business activities, and community facilities;

(7) 'Emergency services' means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to protect, respond, and recover, to prevent, detect, deter, and mitigate, to minimize and repair injury and damage resulting from disasters or other event caused by flooding, terrorism, enemy attack, sabotage, or other natural or other man-made causes. These functions include, without limitation, critical infrastructure services, firefighting services, police services, medical and health services, communications, emergency telecommunications, radiological, chemical, and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to the health, safety, and welfare of the citizens of this state, together with all other activities necessary or incidental to the preparation for and carrying out of these functions. Disaster includes the imminent threat of disaster as well as its occurrence and any power or authority exercisable on account of a disaster that may be exercised during the period when there is an imminent threat;

(8) 'Essential business activities' means a specific work or improvement within this state or a specific item of equipment or tangible personal property used within this state by any person to provide any essential goods or critical infrastructure services

determined by the authority to be necessary for continued operations during a disaster, state of emergency, or state of preparedness, and for recovery from a disaster;

~~‘Essential workers’ means employees or contractors that fall under the definition of essential business activities during a disaster, state of emergency, or state of preparedness~~

(9) ‘Local organization for emergency services’ means an organization created in accordance with the provisions of this article by state or local authority to perform local emergency services function functions;

(10) ‘Mobile support unit’ means an organization for emergency services created in accordance with the provisions of this article by state or local authority to be dispatched by the Governor to supplement local organizations for emergency services in a stricken area;

(11) ‘Person’ means any individual, corporation, voluntary organization or entity, partnership, firm, or other association, organization, or entity organized or existing under the laws of this or any other state or country;

(12) ‘Political subdivision’ means any county or municipal corporation in this state;

(13) ‘Recovery fund’ means the West Virginia Disaster Recovery Trust Fund created by this article;

(14) ‘Residential housing’ means a specific work or improvement within this state undertaken primarily to provide dwelling accommodations, including the acquisition, construction or rehabilitation of land, buildings and improvements thereto, for residential housing, including, but not limited to, facilities for temporary housing and emergency housing, and any other nonhousing facilities that are incidental or appurtenant thereto;

(15) ‘Secretary’ means the Secretary of the West Virginia Department of Military Affairs and ~~Public Safety~~ Homeland Security; and

(16) ‘State of emergency’ means the duly proclaimed existence of conditions of disaster or other serious threat to the health or safety of persons and property within West Virginia, or a specific geographic area thereof, including but not limited to an attack upon the state or the United States, a natural or man-made disaster of major proportions, a pandemic, or other large-scale threat beyond the capacity of local control;

(17) ‘State of preparedness’ means the duly proclaimed authorization for:

(A) Specialized planning and preparation activities intended to minimize the anticipated effect of conditions constituting a state of emergency, as defined in this section, which, in the judgment of the Governor, are expected to commence within the next 30 days, or within a period of longer than 30 days if necessary to obtain funding or maintain compliance with federal or interjurisdictional requirements: *Provided*, That a state of preparedness which is duly proclaimed under such circumstances shall be referred to as a ‘Class I state of preparedness’; or

(B) Specialized planning and preparation activities intended to minimize, by use of any available and appropriate federal or state governmental resources, the anticipated impact of or anticipated threats caused by a planned or anticipated event of such large size or scope that it is beyond the capacity of local control, and which is scheduled to commence within the next 30 days, or within a period of time longer than 30 days if necessary to obtain funding or maintain compliance with federal or interjurisdictional requirements: *Provided*, That a state of preparedness which is duly proclaimed under such circumstances shall be referred to as a ‘Class II state of preparedness’; and

(18) ‘Temporary housing’ means a specific work or improvement within this state undertaken primarily to provide dwelling accommodations, including the acquisition, construction or rehabilitation of land, buildings and improvements thereto, for temporary residential shelters or housing for victims of a disaster and such other nonhousing facilities that are incidental or appurtenant thereto.

**§15-5-6. Emergency powers of Governor Proclamation of a state of emergency or state of preparedness by the Governor or the Legislature; additional powers of the Governor during a state of emergency or state of preparedness.**

~~(a) The provisions of this section are operative only during the existence of a state of emergency or state of preparedness. The existence of a state of emergency or state of preparedness may be proclaimed by the Governor or by concurrent resolution of the Legislature if the Governor in the proclamation, or the Legislature in the resolution, finds that an attack upon the United States has occurred or is anticipated in the immediate future, or that a natural or man-made disaster of major proportions has actually occurred or is imminent within the state, or that an emergency exists or may be imminent due to a large-scale threat beyond local control, and that the safety and welfare of the inhabitants of this state require an invocation of the provisions of this section.~~

~~(b) Any state of emergency or state of preparedness, whether proclaimed by the Governor or by the Legislature, terminates upon the proclamation of the termination by the Governor, or the passage by the Legislature of a concurrent resolution terminating the state of emergency or state of preparedness: *Provided*, That in no case shall a state of preparedness last longer than thirty days.~~

~~(c) So long as a state of emergency or state of preparedness exists, the Governor has and may exercise the following additional emergency powers:~~

~~(1) To enforce all laws and rules relating to the provision of emergency services and to assume direct operational control of any or all emergency service forces and helpers in the state.~~

~~(2) To sell, lend, lease, give, transfer, or deliver materials or perform functions relating to emergency services on terms and conditions he or she prescribes and without regard to the limitations of any existing law and to account to the State Treasurer for any funds received for the property.~~



~~(3) To procure materials and facilities for emergency services by purchase, condemnation under the provisions of chapter fifty-four of this code or seizure pending institution of condemnation proceedings within thirty days from the seizing thereof and to construct, lease, transport, store, maintain, renovate, or distribute the materials and facilities. Compensation for property so procured shall be made in the manner provided in chapter fifty-four of this code.~~

~~(4) To obtain the services of necessary personnel, required during the emergency, and to compensate them for their services from his or her contingent funds or other funds available to him or her.~~

~~(5) To provide and compel the evacuation of all or part of the population from any stricken or threatened area within the state and to take steps that are necessary for the receipt and care of the evacuees.~~

~~(6) To control ingress and egress to and from a disaster area or an area where large scale threat exists, the movement of persons within the area and the occupancy of premises therein.~~

~~(7) To suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders, rules of any state agency, if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with the emergency.~~

~~(8) To use available resources of the state and of its political subdivisions that are reasonably necessary to cope with the emergency.~~

~~(9) To suspend or limit the sale, dispensing or transportation of alcoholic beverages, explosives, and combustibles; (10) To make provision for the availability and use of temporary emergency housing; and~~

~~(11) To perform and exercise other functions, powers and duties that are necessary to promote and secure the safety and protection of the civilian population.~~

~~(d) The declaration of a state of preparedness has the same effect as a declaration of a state of emergency for the purposes of the Emergency Management Assistance Compact established in section twenty two of this article and the Statewide Mutual Aid Systems set forth in section twenty eight of this article.~~

~~(e) The powers granted under this section do not authorize any action that would violate the prohibitions of section nineteen a of this article~~

(a) The provisions of this section, and any executive order issued pursuant to the provisions of this section, are operative only during the existence of a state of emergency or state of preparedness: *Provided*, That nothing in this section or in any executive order issued hereunder may be construed to suspend or supersede any provision of the United States Constitution or West Virginia Constitution.

(b) The existence of a state of emergency may be proclaimed by the Governor by executive order or by concurrent resolution of the Legislature if the Governor in the proclamation, or the Legislature in the concurrent resolution, finds that conditions warranting the proclamation of a state of emergency, as defined in this article, exist, and that the health, safety, and welfare of the inhabitants of this state require an invocation of the provisions of this section: *Provided*, That a gubernatorially proclaimed state of emergency expires 60 days after issuance of the executive order unless, prior to the 60th day, the Legislature adopts a concurrent resolution extending the state of emergency beyond 60 days. A concurrent resolution adopted by the Legislature to extend a state of emergency proclaimed by the governor shall set forth within its terms the length of time for which the state of emergency shall be extended. A state of emergency, whether proclaimed by the Governor or by the Legislature, terminates upon the issuance of a proclamation of termination by the Governor, or the passage by the Legislature of a concurrent resolution terminating the state of emergency.

(c) The existence of a state of preparedness may be proclaimed by the Governor by executive order or by concurrent resolution of

the Legislature, if the Governor in the proclamation or the Legislature in the resolution, finds that conditions warranting the proclamation of a state of preparedness, as defined in this article, exist, and that the health, safety, and welfare of the inhabitants of this state require the invocation of the provisions of this section: *Provided*, That the Governor or the Legislature shall proclaim a state of preparedness as a ‘Class I state of preparedness’ or a ‘Class II state of preparedness’, as defined in this article, by law: *Provided however*, That a gubernatorially proclaimed Class I state of preparedness expires 30 days after issuance of the executive order unless, prior to the 30th day, the Legislature adopts a concurrent resolution extending the state of preparedness beyond 30 days. A concurrent resolution adopted by the Legislature to extend a Class I state of preparedness proclaimed by the governor shall set forth within its terms the length of time for which the state of preparedness shall be extended. A Class II state of preparedness, whether proclaimed by the Governor or by the Legislature, terminates upon the issuance of a proclamation of termination by the Governor, or the passage by the Legislature of a concurrent resolution terminating the Class II state of preparedness.

(d) When a state of emergency follows a state of preparedness involving the same or substantially similar circumstances, the total time allotted for the duration of the two combined shall be no more than 90 days, unless the Governor follows the requirements for extending the state of emergency under subsection (b) of this section.

(e) Any proclamation or concurrent resolution issued under this section shall include, in general terms:

(1) A description of the facts and circumstances warranting the proclamation or concurrent resolution; and

(2) A designation of the geographic area threatened.

(f) Any proclamation or resolution shall be disseminated as soon as practicable to the news media and any other means which are calculated to bring its contents to the attention of the general public: *Provided*, That for a gubernatorial proclamation of a state

of emergency or state of preparedness, the Governor shall provide a copy of the executive order to the President of the Senate, the Speaker of the House of Delegates, and the Joint Committee on Government and Finance.

(g) Under a duly proclaimed state of emergency or state of preparedness, the Governor has the following additional powers which are intended to be construed to authorize actions which are consistent with constitutional or statutory law, or with final orders of those courts of competent jurisdiction to which the Governor is subject:

(1) To enforce all laws and rules relating to the provision of emergency services and to assume direct operational control of any or all emergency service entities and personnel in the state;

(2) To sell, lend, lease, give, or transfer property, to make purchases, deliver materials or perform functions relating to emergency services on terms and conditions he or she prescribes without regard to the limitations of any existing law or being required to account to the State Treasurer for any funds received for the property;

(3) To procure materials and facilities for emergency services by purchase, condemnation under the provisions of §54-1-1 *et seq.* of this code, or seizure pending institution of condemnation proceedings within 30 days from the seizing thereof and to construct, lease, transport, store, maintain, renovate, or distribute the materials and facilities. Compensation for the procured property shall be made in the manner provided in §54-1-1 *et seq.* of this code;

(4) To obtain the services of necessary personnel required during the emergency or in preparation for the emergency, and to compensate such personnel for their services from the Governor's Contingent Fund or other funds available to him or her;

(5) To provide and compel the evacuation of all or part of the population from any stricken or threatened area within the state and

to take steps that are necessary for the receipt and care of the evacuees;

(6) To control ingress and egress into or out of a disaster area or other area subject to a state of emergency or state of preparedness, as well as the movement of persons and occupancy of premises within the area;

(7) To suspend the provisions of any statute prescribing the procedures for the conduct of state business or the orders, or rules of any state agency, if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with the emergency: *Provided*, That nothing in this subdivision may be construed as granting the Governor the power to suspend any provision of this section;

(8) To use available resources of the state and of its political subdivisions that are reasonably necessary to cope with the emergency or to prepare for the emergency;

(9) To suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles: *Provided*, That explosives and combustibles do not include firearms, ammunition, components of ammunition, or ammunition-reloading equipment and supplies;

(10) To make provision for the availability and use of temporary emergency housing; and

(11) To perform and exercise other functions, powers and duties that are necessary to promote and secure the safety and protection of the civilian population.

(h) The declaration of a state of preparedness has the same effect as a declaration of a state of emergency for the purposes of the Emergency Management Assistance Compact established in §15-5-22 of this code, and the Statewide Mutual Aid System set forth in §15-5-28 of this code.

(i) The powers granted under this section do not authorize any action that would violate the prohibitions of §15-5-19a of this code.

(j) During any state of preparedness or state of emergency proclaimed at any time, an executive order of the Governor may not:

(1) Close churches or other houses of worship or prevent their operation in any manner that is more restrictive than the least restrictive provisions in place for the operation of the most essential facilities of government or private enterprise.

(2) Suspend or limit the lawful sale, lawful transfer, or lawful transportation of firearms, ammunition, components of ammunition, or ammunition-reloading equipment and supplies; or

(3) Except as authorized by the provisions of this article, interfere with, or impair the operation of the news media.

(k) Unless expressly authorized by an executive order of the Governor, a municipal, county, or state health officer, under color of a duly proclaimed state of emergency or state of preparedness, shall not take any enforcement action which is not authorized by statute.

(l) Any suit filed challenging an executive order issued relating to a state of preparedness or emergency pursuant to the authority granted in this section shall be limited to a petition for a writ of prohibition or mandamus pursuant to Rule 16 of the Rules of the West Virginia Supreme Court of Appeals. The provisions of §§55-17-3 of this code are not applicable to any suit filed challenging an executive order issued pursuant to this section.”

And,

By amending the title of the bill to read as follows:

**S. B. 128** – “A Bill to amend and reenact §15-5-2 and §15-5-6 of the Code of West Virginia, 1931, as amended, all relating to states of emergency and preparedness; defining terms; clarifying the authority of the Governor and the Legislature to proclaim or declare states of emergency and preparedness; creating two classes of states of preparedness and establishing the criteria therefor; establishing the initial duration of gubernatorially proclaimed

states of emergency and preparedness and the requirements for extending same; expanding and clarifying the powers of the Governor as to what he or she may order under proclamations of states of emergency and preparedness; expressly limiting the Governor's authority to order certain actions in an executive order issued pursuant to a proclamation or declaration of a state of emergency or preparedness; clarifying that the declaration of a state of preparedness has the same effect as a declaration of a state of emergency for the purposes of the Emergency Management Assistance Compact and the Statewide Mutual Aid System; and stating that the powers granted as to orders issued under states of emergency do not include the authority to limit the lawful possession and use of firearms and ammunitions."

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. 232**), and there were—yeas 87, nays 4, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Butler, Dillon, Kirby and Street.

Absent and Not Voting: Bridges, Criss, Hott, Jeffries, Kump, Pinson, Skaff, Steele and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 128) passed.

Delegate McGeehan moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 233**), and there were—yeas 89, nays 3, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Butler, Dillon and Kirby.

Absent and Not Voting: Bridges, Criss, Hott, Jeffries, Kump, Pinson, Steele and Williams.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 128) takes effect from its passage.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 195** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, and §18-2L-4, all relating to the creation of the Glucagon for Schools Act; defining terms; allowing prescription for undesignated glucagon in the name of a school district or school; allowing school to maintain a supply of undesignated glucagon; allowing trained school personnel to administer undesignated glucagon if the student's prescribed glucagon is not available on-site or has expired; prohibiting licensed health professional with prescribing authority and pharmacist from being held responsible for harm due to the administration of undesignated glucagon in certain instances; declaring school personnel, the school district or school of employment, members of the governing school board, and the chief administrator are not liable in any criminal action or for civil damages as a result of administering undesignated glucagon in certain instances; requiring a school to call local emergency assistance and notify certain others immediately after the administration of undesignated glucagon; stating that each school should have an easily accessible glucometer on site; allowing all school personnel in schools that have students with diabetes to receive certain training; allowing designated school personnel to be trained to perform tasks necessary to assist a student with diabetes in accordance with his or her diabetes care plan; allowing school district to coordinate staff training; allowing school nurses, where available, or certain health care providers to provide technical assistance, consultation, or both to school personnel; and requiring an information sheet to be provided to any school



employee who transports a student for school-sponsored activities”; which was referred to the Committee on Health and Human Resources then Education.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 480** - “A Bill to amend and reenact §33-16-1a and §33-16-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §33-16-2a, all relating to modifying group accident and sickness insurance requirements and permitting self-insured multiple employer welfare arrangements; modifying and creating definitions; reducing requirements for bona fide associations; authorizing bona fide associations in good standing to sponsor and operate self-insured multiple employer welfare arrangements if certain requirements are met; setting forth requirements for self-insured multiple employer welfare arrangements; authorizing Insurance Commissioner to issue certificates of authority; imposing a non-refundable filing fee; requiring annual reporting by the arrangements; requiring rulemaking by Insurance Commissioner; and authorizing rulemaking on penalties, fines, and suspension and revocation of certificates of authority for violations of requirements for multiple employer welfare arrangements”; which was referred to the Committee on Health and Human Resources then Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 577** - “A Bill to amend and reenact §33-59-1 of the Code of West Virginia, 1931, as amended, relating to diabetes; reducing copayments; adding coverage for devices; and permitting testing equipment to be purchased without a prescription”; which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 594** - “A Bill to amend and reenact §33-15-4t of the Code of West Virginia, 1931, as amended; to amend and reenact §33-16-3ee of said code; to amend and reenact §33-24-7t of said code; to amend and reenact §33-25-8q of said code; and to amend and reenact §33-25A-8t of said code, all relating to cost-sharing calculations in insurance code and Health Savings Account eligibility.”

At the respective requests of Delegate Kelly, and by unanimous consent, reference of the bill (Com. Sub. for S. B. 594) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 597** - “A Bill to amend and reenact §21A-2-6 of the Code of West Virginia, 1931, as amended, relating to unemployment compensation; and permitting the Commissioner of Workforce West Virginia to hire up to 200 exempt employees”; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 608** - “A Bill to amend and reenact §61-7-2 of the Code of West Virginia, 1931, as amended, relating to dangerous weapons; and correcting the partial list of items which are considered deadly weapons”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 620** - “A Bill to amend and reenact §3-1-5 of the Code of West Virginia, 1931, as amended, relating to the maximum number of registered voters per precinct and the distance between voting precincts that a county commission may consider for consolidation when the public convenience requires”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 631** - “A Bill to amend and reenact §3-1-48 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-2-6 and §3-2-18 of said code; all relating to elections in general, and specifically to the expenditure of federal appropriations from Congress to the Secretary of State for purposes that further the administration of federal elections held in the state, payable from the County Assistance Voting Equipment Fund; clarifying the uniform statewide deadline for electronically submitted voter registration applications; and changing the deadline by which county clerks must report voter participation history after an election into the statewide voter registration system”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 641** - “A Bill to amend and reenact §3-10-3 of the Code of West Virginia, 1931, as amended, relating to when vacancies in the office of magistrate shall be filled by election or appointment; clarifying that when a vacancy in the office of magistrate creates an unexpired term of more than three years the vacancy shall be

filled by election; and clarifying that when a vacancy in the office of magistrate creates an unexpired term of less than three years the vacancy shall be filled by appointment”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 644** - “A Bill to amend and reenact §3-7-3, §3-7-6, and §3-7-7 of the Code of West Virginia, 1931, as amended, all relating to contested elections procedure update; changing jurisdiction of election contests for county, district, and municipal elections to the circuit courts; requiring a recount proceeding to be completed before filing certain election contests; providing certain procedural requirements for election contests before circuit courts; providing for appeals of a decision made by a circuit court in an election contest be made to the Supreme Court of Appeals; and granting rule-making authority to the Supreme Court of Appeals regarding election contests before circuit courts”; which was referred to the Committee on the Judiciary.

### **Second Reading**

**Com. Sub. for H. B. 2252**, Relating to establishing criminal penalties for human trafficking; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 2761**, To allow classroom aides with 10 or more years of service and good evaluations to bid on teaching positions; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 2865**, To clarify that the PSC may enter an order requiring corrective measures up to and including an acquisition of a distressed or failing utility; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3006**, West Virginia Critical Infrastructure Protection Act; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Kelly, and by unanimous consent, the bill was postponed one day.

**H. B. 3188**, Relating to the establishment of an alert system for missing cognitively impaired persons; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3189**, The PFAS Protection Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3198**, Relating to obtaining title to abandoned or junked motor vehicles abandoned on the property or place of business of an automobile dealer; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3247**, Relating to abuse and or neglect of individuals with an intellectual and or developmental disability; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Linville and Summers, the bill was amended on page 22, section 4, line 2, immediately following the word “annually,” by striking the word “or” and inserting in lieu thereof the word “and”

And,

On page 23, section 4, line 5, immediately following the word “years,” by striking the word “or” and inserting in lieu thereof the word “and”

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 3265**, Remove statutory mandates that the sheriff of a county shall serve process or is responsible for cost of service or arrest by another law enforcement agency; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3417**, Including Potomac State College in the definition of community and technical college education program for participation in the “Learn and Earn Program”; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3448**, Relating generally to probation officer field training; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3499**, To permit joint tenancy with rights of survivorship when transfer on death deeds specify a joint tenancy with right of survivorship; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3555**, Relating to student purchase and refunds of course material; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

#### **First Reading**

**Com. Sub. for H. B. 2016**, Relating to confidential childcare records; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 2064**, To create commercial opportunity zones to attract new businesses to West Virginia; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 2065**, West Virginia Heavy Duty Truck Excise Tax Elimination Act; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 2122**, Relating to custodial interrogation of a child; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 2483**, Creating a tax credit for improving facades in historic districts; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 2567**, Relating to felony trespassing; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 2648**, Authorizing certain agencies and boards of the DHHR to promulgate a legislative rule; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 2759**, Relating to updating the health care provider tax; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 2760**, To allow CPR fire fighters to drive ambulances when both attendants are needed to administer patient care; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3013**, Relating to authorizing the Jefferson County Commission to levy a special district excise tax; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3059**, Give PSC authority to fine Class I railroads for safety and operational violations; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3114**, Deny severance pay to employees of DOT for failure or refusal of drug testing; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3232**, Regulation of Fantasy Gaming Competitions and Implementation of Sports Wagering; on first reading, was reported by the Clerk.

At the request of Delegate Kelly, and by unanimous consent, the bill was postponed one day.

**Com. Sub. for H. B. 3214**, To create the Road Optimization & Assessment Data (ROAD) Pilot Project; on first reading, was then read a first time and ordered to second reading.

**Com. Sub. for H. B. 3274**, Creating the Affordable Medicaid Buy-in Program; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3341**, To allow cigar bars; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3398**, Relating to the establishment of the West Virginia Memorial to Fallen Heroes of the Global War on Terrorism; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3409**, Relating to authorizing application of the manufacturing investment tax credit and the manufacturing property tax adjustment credit against personal income tax; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3444**, Relating to the creation of the West Virginia Semiquincentennial Commission and Fund; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3445**, Relating generally to probation and parole; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3450**, Relating generally to racetrack video lottery and the Licensed Racetrack Modernization Fund; on



first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3459**, To allow for a best value procurement evaluation for prequalified bidders; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3473**, Creating a workgroup relating to Dig Once Policy; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3479**, Creating requirements for use of unmanned aircraft; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3482**, To create the Coal Fired Grid Stabilization and Security Act of 2023; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3484**, Relating to SNAP benefits; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3487**, Relating to cost-sharing calculations for certain Health Savings Account-qualified High Deductible Health Plans; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3493**, Relating to prohibiting certain foreign ownership of agricultural land; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3551**, Provide for criminal history record restrictions for certain persons; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3552**, Relating to per diem jail costs; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3554**, Relating to prohibiting a municipality or the governing body of any municipality from limiting rental of a property; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3556**, Uniform Recognition and Enforcement of Canadian Domestic Violence Protective Orders Act; on first reading, coming up in regular order, was read a first time and ordered to second reading.

### **Leaves of Absence**

At the request of Delegate Kelly, and by unanimous consent, leave of absence for the day were granted Delegate Hott.

### **Miscellaneous Business**

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

**H. B. 2415**: Delegate Hornbuckle;

**H. B. 2875**: Delegate Kump;

And,

**H. B. 3313**: Delegate C. Pritt;

At 6:30 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, February 24, 2023.

---

Friday, February 24, 2023

**FORTY-FIFTH DAY**

[DELEGATE HANSHAW, MR. SPEAKER, IN THE CHAIR]

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Thursday, February 23, 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 Jeffries announced that Com. Sub. for S. B. 594, Com. Sub. for H. B. 3482, Com. Sub. for H. B. 3484 and H. B. 3487 on Second Reading, Special Calendar, had been transferred to the House Calendar; Com. Sub. for S. B. 51 and Com. Sub. for H. B. 3421 on First Reading, Special Calendar, had been transferred to the House Calendar; and H. B. 3166 and Com. Sub. for H. B. 3278 on Third Reading, House Calendar, had been transferred to the Special Calendar.

**Committee Reports**

Delegate Barnhart, Chair of the Committee on Banking and Insurance submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

**Com. Sub. for S. B. 292**, Health Care Sharing Ministries Freedom to Share Act,

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 Health and Human Resources be dispensed with but that it first be referred to the Committee on the Judiciary.

In the absence of objection, second reference of the bill (Com. Sub. for S. B. 292) to the Committee on Health and Human Resources was abrogated.

The bill was then referred to the Committee on the Judiciary.

Delegate Anderson, Chair of the Committee on Energy and Manufacturing, submitted the following report, which was received:

Your Committee on Energy and Manufacturing has had under consideration:

**H. R. 17**, Urging the West Virginia Geologic and Economic Survey to work with groups to evaluate policy options to encourage the capture and beneficial use of coal mine methane,

And reports the same back with the recommendation that it be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolution (H. R. 17) was referred to the Committee on Rules.

Delegate Anderson, Chair of the Committee on Energy and Manufacturing, submitted the following report, which was received:

Your Committee on Energy and Manufacturing has had under consideration:

**H. B. 2814**, To create a Hydrogen power task force,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2814** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,

designated §24-2I-1 and §24-2I-2, all relating to the creation of a Hydrogen Power Task Force in West Virginia; providing for a short title; providing for the establishment of the task force; providing for membership appointments and management; establishing a duty of the task force to study hydrogen-fueled energy in West Virginia; providing specific topics of study; providing a reporting requirement; and providing for a sunset date of July 1, 2024,"

With the recommendation that the committee substitute do pass.

Delegate Howell, Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

**S. B. 591**, Allowing counties and municipalities to jointly undertake development projects,

And reports the same back with the recommendation that it do pass.

Delegate Howell, Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

**H. B. 3443**, Relating to a development or improvement on land subject to review by the State Historic Preservation Office,

And reports the same back with the recommendation that it do pass.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

**H. B. 3330**, Creating family court circuits and assigning the number of family court judges in each family court circuit to be elected in the 2024 election,

And,

**H. B. 3331**, Relating generally to support staff in the family courts and magistrate courts of this state,

And reports the same back with the recommendation that they each do pass.

On motion for leave, a bill was introduced (Originating in the Committee on the Judiciary and reported with the recommendation that it do pass), which was read by its title, as follows:

**By Delegates Westfall, Fluharty, Hillenbrand, Steele, Ward, Ridenour, Warner, Martin, Kump, Marple and Kimble:**

**H. B. 3559** – “A Bill to amend and re-enact §49-4-201 of the Code of West Virginia, 1931, as amended; all relating to defining a newborn safety device; describing the installation and location of a newborn safety device; granting anonymity to the person placing a child in a newborn safety device; outlining the monitoring of a newborn safety device; requiring the transportation of a child found in a newborn safety device to a hospital or medical facility; waiving rights of notification and standing by the person placing a child in a newborn safety device; granting immunity to the emergency service medical provider who removes the child from the newborn safety device; and removing the anonymity provision if child abuse or neglect are evident.”

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

**H. B. 2875**, Clarifying that Circuit Court Judges have the ability/authority to waive the requirement that a party pass a home study performed by the DHHR,

And reports the same back with the recommendation that it do pass.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

**H. B. 3018**, Establishing that 18 is the age of consent and removing the ability of an underage person to obtaining a consent to marry through their parents, legal guardians, or by petition to the circuit court,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3018** - "A Bill to repeal §48-2-103 of the Code of West Virginia, 1931, as amended; and to amend and reenact §48-2-106 and §48-2-301, all related to establishing that 18 is the age of consent; removing the ability of an underage person to obtain consent to marry through their parents, legal guardians, or by petition to the circuit court; and validating a marriage entered into legally prior to the enactment or in another jurisdiction outside of the State of West Virginia although one or both of the parties was under the age of consent,"

And,

**H. B. 3369**, Creating a School Safety Unit within the Division of Protective Services,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3369** – "A Bill to amend and reenact §15-2D-1, §15-2D-2 and §15-2D-3 of the Code of West Virginia, 1931, as amended, relating to creating a School Safety Unit within the Division of Protective Services; making findings, establishing duties and powers of the School Safety Unit; clarifying certain security services of the division; clarifying the confidentiality of certain records; clarifying that certain interagency agreements are discretionary; clarifying mandatory and discretionary duties of the

director relating to the School Safety Unit; and correcting references to the Department of Homeland Security,”

With the recommendation that the committee substitutes each do pass.

Delegate Criss, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**H. B. 2989**, Relating to increasing the number of out-of-state medical students receiving in-state tuition rates who agree to practice for a specific time within West Virginia,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2989** - “A Bill to amend and reenact §18C-3-5 of the Code of West Virginia, 1931, as amended, all relating to increasing the number of out-of-state medical students receiving in-state tuition rates who agree to practice for a specific time within West Virginia; and requiring each medical student that participates in the program to practice in a medically underserved area and in a primary care or specialty practice or field in which there is a shortage of physicians,”

**H. B. 3224**, Adding West Virginia Junior College to the list of eligible institutions that accept PROMISE scholarship recipients,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3224** - “A Bill to amend and reenact §18C-7-3 of the Code of West Virginia, 1931, as amended, relating to adding West Virginia Junior College to the updated list of eligible institutions that may accept PROMISE scholarship recipients,”

And,

**H. B. 3315**, Relating generally to readiness enhancement and commission bonuses,



And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3315** - “A Bill to amend and reenact §15-1B-25 of the Code of West Virginia, 1931, as amended, relating generally to readiness enhancement and commission bonuses; authorizing Adjutant General to establish certain bonus programs; requiring a schedule of bonus amounts; and authorizing recoupment of bonus paid under certain circumstances,”

With the recommendation that the committee substitutes each do pass.

Delegate Criss, Chair of the Committee on Finance submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**H. B. 3464**, Relating to the transfer of certain revenues derived from lottery activities,

And reports the same back, with a title amendment, with the recommendation that it do pass, as amended.

Delegate Criss, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**H. B. 3066**, Supplementing and amending appropriations to the Department of Education, State Board of Education - State Aid to Schools,

**H. B. 3510**, Making a supplementary appropriation to the Department of Administration, Office of Technology – Chief Technology Officer Administration Fund,

**H. B. 3526**, Making a supplementary appropriation to Miscellaneous Boards and Commissions, Public Service Commission,

And,

**H. B. 3527**, Supplementing and amending appropriations to Department of Education, School Building Authority,

And reports the same back with the recommendation that they each do pass.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. C. R. 17**, CSA Army PVT Nathaniel Perry Memorial Trail,

**H. C. R. 23**, U.S. Army SGT Theron Turner Memorial Bridge,

**H. C. R. 34**, William N. “Shug” Kisner Memorial Bridge,

**H. C. R. 40**, USMC Larry Allen “Crocky” Holstein, Jr. Memorial Bridge,

**H. C. R. 41**, U. S. Army PFC Herman H. Lucas Memorial Bridge,

**H. C. R. 42**, U. S. Army SSG William Joseph “Will” Thompson Memorial Bridge,

**H. C. R. 43**, U.S. Navy Quartermaster C.E. “Red” Landfried Memorial Bridge,

**H. C. R. 44**, U. S. Army PV2 Harold Richard Plumley Memorial Bridge,

**H. C. R. 45**, Lewis Joseph D'Antoni Memorial Road,

**H. C. R. 47**, U. S. Army SGT Walter Hedrick Memorial Bridge,

**H. C. R. 49**, U. S. Army 1SG Elmer C. Lofton Memorial Bridge,

And,

**H. C. R. 50**, U. S. Army PVT Leon 'Deacon' Stover Memorial Bridge,

And reports the same back with the recommendation that they each be adopted, but that they first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolutions (H. C. R. 17, H. C. R. 23, H. C. R. 34, H. C. R. 40, H. C. R. 41, H. C. R. 42, H. C. R. 43, H. C. R. 44, H. C. R. 45, H. C. R. 47, H. C. R. 49 and H. C. R. 50) were each referred to the Committee on Rules.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**Com. Sub. for S. B. 205**, Relating to registration plates,

And reports the same back, with amendment, with the recommendation that it do pass, as amended.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**Com. Sub. for S. B. 439**, Establishing design-build program for DEP,

And reports the same back with the recommendation that it do pass.

Delegate Phillips, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 2878**, To grant the Fleet Management Division oversight authority of the state vehicle fleet,

And reports the same back, with amendment, with the recommendation that it do pass, as amended.

On motion for leave, a bill was introduced (Originating in the Committee on Economic Development and Tourism and reported with the recommendation that it do pass), which was read by its title, as follows:

**By Delegate Howell:**

**H. B. 3560** – “A Bill to amend and reenact §19-25-5 of the Code of West Virginia, 1931, as amended, relating to expanding the definitions of “land” and “recreational purposes” to include rock climbing, rope related, and bouldering activities and to make certain technical corrections.”

**Messages from the Executive**

**and Other Communications**

A communication from the Clerk of the Senate to His Excellency, the Governor, advised that Com. Sub. for S. B. 89 was presented to the Governor on February 23, 2023.

The Clerk announced that Com. Sub. for H. B. 2845 and Com. Sub. for H. B. 3164 were presented to the Governor on February 23, 2023.

**Resolutions Introduced**

Resolutions were introduced and severally referred as follows:

**By Delegate Barnhart:**

**H. C. R. 52** – “Requesting that the Joint Committee on Government and Finance 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 projects”; to the Committee on Government Organization then Rules.

**By Delegates Dean, Summers, Worrell, Steele, Hardy, Smith, Hite, Keaton, Hanna, Cannon and Skaff:**

**H. C. R. 53** – “Requesting the Legislative Oversight Commission on Health and Human Resources Accountability study the implementation of Electronic Visit Verification in West Virginia Medicaid's Home and Community Based Services”; to the Committee on Health and Human Resources then Rules.

**By Delegate Foster:**

**H. C. R. 54** – “Requesting the Division of Highways name bridge number 40-035/00-015.27 (NB & SB) (40A177, 40A179), (38.61845, -81.99839) locally known as Plantation Road Bridge, carrying US 35 over Plantation Creek in Putnam County, West Virginia, the 'U.S. Army PFC Russell Richard Ferguson Memorial Bridge'”; to the Committee on Technology and Infrastructure then Rules.

And,

**By Delegates Pinson and Westfall:**

**H. C. R. 55** – “Requesting the Division of Highways name bridge number 18-077/00-145.78 (NB-SB) (18A172), locally known as Sandy Creek NB-SB bridges, carrying I-77 over Sandy Creek in Jackson County, the 'Chief Lee Thomas Memorial Bridge'”; to the Committee on Technology and Infrastructure then Rules.

## **Special Calendar**

### **Third Reading**

**Com. Sub. for H. B. 2252**, Relating to establishing criminal penalties for human trafficking; 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. 234**), 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, Dean, Ellington, Hite, Hott, McGeehan, Skaff, Williams and Zatezalo.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2252) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 2761**, To allow classroom aides with 10 or more years of service and good evaluations to bid on teaching positions; 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. 235**), and there were—yeas 71, nays 22, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Clark, Criss, Dean, Fluharty, Garcia, W. Hall, Hansen, Hardy, Hornbuckle, Horst, Miller, Nestor, E. Pritt, Pushkin, Rowe, Shamblin, Smith, Steele, Vance, Walker, Westfall and Young.

Absent and Not Voting: Bridges, Ellington, Hott, McGeehan, Skaff, Williams and Zatezalo.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2761) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 2865**, To clarify that the PSC may enter an order requiring corrective measures up to and including an acquisition of a distressed or failing utility; 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. 236**), 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, Ellington, Hott, McGeehan, Skaff, Steele, Williams, Worrell and Zatezalo.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2865) passed.

**H. B. 3166**, To permit a hospital to hold a patient experiencing a psychiatric emergency for up to 72 hours; 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. 237**), 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, Ellington, Hott, McGeehan, Skaff, Steele, Williams, Worrell and Zatezalo.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3166) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 3188**, Relating to the establishment of an alert system for missing cognitively impaired persons; 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. 238**), 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, Ellington, Foggin, Hott, McGeehan, Skaff, Williams, Worrell and Zatezalo.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3188) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3189**, The PFAS Protection Act; 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. 239**), and there were—yeas 82, nays 9, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Dillon, Foster, Longanacre, Miller, C. Pritt, Ridenour, Street, Thorne and Ward.

Absent and Not Voting: Bridges, Ellington, Hott, Kirby, McGeehan, Skaff, Williams, Worrell and Zatezalo.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3189) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

At the request of Delegate Linville, and by unanimous consent, the House returned to further consideration of Com. Sub. for H. B. 2865.

Delegate Linville then moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 240**), 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, Ellington, Hott, Kirby, McGeehan, Skaff, Williams and Zatezalo.

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. 2865) 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. 3198**, Relating to obtaining title to abandoned or junked motor vehicles abandoned on the property or place of business of an automobile dealer; 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. 241**), 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, Ellington, Hott, McGeehan, Ridenour, Skaff, Williams and Zatezalo.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3198) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3247**, Relating to abuse and or neglect of individuals with an intellectual and or developmental disability; on third reading, coming up in regular order, was read a third time.

Delegates Griffith, Hite, Pushkin, Walker and Young requested to be excused from voting under the provisions of House Rule 49.

The Speaker ruled that the Delegates were members of a class of persons possibly to be affected and directed the Members to vote.

### **Speaker Pro Tempore Espinosa in the Chair**

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 242**), 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, Ellington, Hott, McGeehan, Skaff, Street, Williams, Zatezalo and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 3247) passed.

On motion of Delegate Summers, the title of the bill was amended to read as follows:

**Com. Sub. for H. B. 3247** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-31; to amend and reenact §16-2D-2, §16-2D-8, §16-2D-9, and §16-2D-11; to amend said code by adding thereto a new article designated, §16-5W-1, §16-5W-2, §16-5W-3, §16-5W-4, §16-5W-5, §16-5W-6 and §16-5W-7; to repeal §27-8-2b and §27-8-3 of said code; to repeal §27-9-1 of said code; to repeal §27-13-1 and §27-13-2 of said code; and to repeal §27-17-1, §27-17-2, §27-17-3, and §27-17-4 of said code; all relating to regulation of behavioral health services; requiring the Bureau of Medical Services to develop a reimbursement model relating to in home services of Intellectually and Developmentally Disabled Intermediate Care waivers; requiring the bureau to use a performance based contract; defining terms; removing services from the moratorium; removing services from certificate of need; adding services to certificate of need; providing exceptions from certificate of need; permitting the Health Care Authority to redistribute bed capacity; requiring access to consumers; requiring access to records; regulating behavioral health centers; providing

rulemaking authority; establishing a mental health ombudsman; providing authority to the ombudsman; providing an exemption of consumer information from the Freedom of Information Act; requiring reporting; and permitting a civil penalty.”

*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. 3265**, Remove statutory mandates that the sheriff of a county shall serve process or is responsible for cost of service or arrest by another law enforcement agency; 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. 243**), and there were—yeas 90, nays none, absent and not voting 10, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Cooper, Ellington, Hott, Linville, McGeehan, Skaff, Williams, Zatezalo and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 3265) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3278**, Relating to the practice of optometry; 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. 244**), and there were—yeas 89, nays 1, absent and not voting 10, with the nays and the absent and not voting being as follows:

Nays: Anderson.

Absent and Not Voting: Bridges, Cooper, Ellington, Hott, McGeehan, Skaff, Williams, Willis, Zatezalo and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 3278) passed.

On motion of Delegate Phillips, the title of the bill was amended to read as follows:

**Com. Sub. for H. B. 3278** – “A Bill to amend and reenact §30-8-3, §30-8-6 and §30-8-9 of the Code of West Virginia, 1931, as amended, all relating to the practice of optometry; defining terms; removing obsolete areas of the code; and permitting a licensee to perform certain procedures trained by an approved accredited body.”

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 3417**, Including Potomac State College in the definition of community and technical college education program for participation in the “Learn and Earn Program”; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 245**), 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, Ellington, Garcia, Hott, McGeehan, Skaff, Williams, Zatezalo and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (H. B. 3417) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 3448**, Relating generally to probation officer field training; 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. 246**), 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, Clark, Ellington, Hott, McGeehan, Skaff, Williams, Zatezalo and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (H. B. 3448) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 3499**, To permit joint tenancy with rights of survivorship when transfer on death deeds specify a joint tenancy with right of survivorship; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Fast asked and obtained unanimous consent to amend the bill on third reading, and the rule was suspended to permit the offering and consideration of such.

On motion of Delegate Fast, the bill was amended on page 1, by striking everything after the enacting clause and inserting the following:

**“ARTICLE 12. UNIFORM REAL PROPERTY TRANSFER  
ON DEATH ACT.**

**36-12-13. Effect of transfer on death deed at transferor's death**

Except as otherwise provided in the transfer on death deed in this article, ~~section six, article one, chapter forty one of this code §41-1-6 of this code, section three, article three, chapter forty one of this code §41-3-3 of this code, article three, chapter forty two of this code §42-3-1, et seq. of this code, section two, article four, chapter forty two of this code §42-§4-2 of this code, or article five, chapter forty two of this code §42-5-1, et seq. of this code,~~ on the death of the transferor the following rules apply to property that is the subject of a transfer on death deed and owned by the transferor at death:

(1) Subject to subdivision (2) of this subsection, the interest in the property is transferred to the designated beneficiary in accordance with the deed.

(2) The interest of a designated beneficiary, when there is only one beneficiary designated, is contingent on the designated beneficiary surviving the transferor. The interest of a designated beneficiary that fails to survive the transferor, when there is only one beneficiary designated, lapses.

(3) Subject to subdivision (4) of this subsection, concurrent interests are transferred to the beneficiaries in equal and undivided shares ~~with no right of survivorship,~~ unless the deed specifies otherwise, as tenants in common or with right of survivorship if the deed specifies joint tenancy with right of survivorship.

(4) If the transferor has identified two or more designated beneficiaries to receive concurrent interests in the property, the share of one which lapses or fails for any reason is transferred to the other, or to the others in proportion to the interest of each in the remaining part of the property held concurrently as tenants in common or with right of survivorship if the deed specifies joint tenancy with the right of survivorship.

(b) Subject to ~~article two, chapter thirty-nine and chapter thirty-eight of this code §39-2-1, et seq., and §38-1-1, et seq. of this code,~~ a beneficiary takes the property subject to all conveyances,

encumbrances, assignments, contracts, mortgages, liens and other interests to which the property is subject at the transferor's death. For purposes of this subsection, ~~article two, chapter thirty nine and chapter thirty eight of this code, §39-2-1, et seq. and §38-1-1, et seq. of this code,~~ the recording of the transfer on death deed is deemed to have occurred at the transferor's death.

(c) If a transferor is a joint owner with other joint owners with right of survivorship and is:

(1) Survived by one or more other joint owners, the property that is the subject of a transfer on death deed belongs to the surviving joint owner or owners with right of survivorship; or

(2) The last surviving joint owner, the transfer on death deed is effective.

(d) If a transferor is an owner with other owners as tenants in common, the transfer on death deed is only effective as to the interest in the property which was held by the transferor.

(e) A transfer on death deed transfers property without covenant or warranty of title even if the deed contains a contrary provision.”

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 247)**, 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: Bridges, Ellington, Hott, McGeehan, Williams, Zatezalo and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (H. B. 3499) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 3555**, Relating to student purchase and refunds of course material; 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. 248**), 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: Bridges, Ellington, Hott, McGeehan, Williams, Zatezalo and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (H. B. 3555) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Delegate Kirby asked unanimous consent to be removed as a cosponsor of H. B. 3558, which consent was not granted, objection being heard.

Delegate Householder then so moved, and this motion was adopted.

At 12:50 p.m., on motion of Delegate Householder, the House of Delegates recessed until 6:00 p.m.

\* \* \* \* \*

### Evening Session

\* \* \* \* \*

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.



### Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 79** - “A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to compensable diseases of certain firefighters covered by workers' compensation; establishing rebuttable presumption of injury arising out of and in the course of employment for certain covered firefighters that develop bladder cancer, mesothelioma, and testicular cancer; providing for conditions of the presumption; and providing that the rebuttable presumption expires on July 1, 2027, unless extended by the Legislature”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 273** - “A Bill to amend and reenact §49-2-101, §49-2-102, and §49-2-809 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §49-10-101, §49-10-102, and §49-10-103; to amend said code by adding thereto a new article, designated §49-11-101, all relating to child welfare; continuing the Bureau for Social Services; authorizing the Bureau for Social Services to provide care for children in need of public service; providing the commissioner shall allocate child protective service workers in counties according to the average caseload per county and the county population based on the 2020 Census; requiring reporting to the Legislature of the allocation; requiring the department to have a redundancy system in the event of a centralized intake outage; setting forth requirements for data submission in the event a system exists; providing that the Bureau for Social Services shall develop a merit-based system for specified employees; providing the merit-based system shall be subject to the grievance process,

except that there is no grievance available for the same classification description impacted by regional pay disparities; providing that for existing employees there is no grievance procedure for a regional pay disparity for the same job classification; requiring reporting of statistical, systemic child welfare information; and providing for emergency and legislative rulemaking”; which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 430** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-1-1a; and to amend and reenact §12-2-2 of said code, all relating generally to the State Treasurer's authority to contract with financial institutions for banking goods and services; defining terms in chapter; and clarifying Department of Revenue shall utilize State Treasurer's contracts and agreements with financial institutions when collecting moneys owed to the state unless an exemption is granted”; which was referred to the Committee on Government Organization then the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 554** - “A Bill to amend and reenact §5A-3-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §12-3-21; and to amend said code by adding thereto a new section, designated §12-6D-8, all relating generally to exempting purchases made by the Auditor and West Virginia Enterprise Resource Planning Board from certain provisions of this code; requiring both the Auditor and Enterprise Resource Planning Board to maintain and adopt internal competitive procurement processes; and allowing the Auditor and the Enterprise Resource Planning Board to promulgate rules related

to the exemption of purchases and the procurement process”; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 616** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-18F-1, §31-18F-2, §31-18F-3, §31-18F-4, §31-18F-5, and §31-18F-6; and to amend and reenact §36-8-13 of said code, all relating generally to creating the West Virginia Veterans' Home Loan Mortgage Program of 2023; establishing a fund known as the West Virginia Veterans' Home Loan Mortgage Fund; declaring the purpose of the fund; providing that the Housing Development Fund shall administer the fund; setting forth terms of the program; authorizing the Housing Development Fund to make certain mortgage loans from the fund; and authorizing the unclaimed property administrator to transfer a certain amount from the Unclaimed Property Trust Fund to the fund”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 617** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-11-1 and §9-11-2, all relating to the Intellectual and Development Disabilities Waiver Program workforce study; outlining program data required to be included in the study; requiring recommendations for hourly pay; and creating an annual capitation review”; which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 646** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-12a, relating to creating an emeritus physician license; and providing legislative rulemaking”; which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 649** - “A Bill to amend chapter 232, Acts of the Legislature, Regular Session 2008, by adding thereto a new section designated section six, relating to authorizing the Berkeley County Council to change its name to the Berkeley County Commission; providing that name change does not affect commission's powers, duties, or responsibilities, or number or terms of commission's members; and requiring public notice of council's intent to change its name”; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 656** - “A Bill to amend and reenact §21-1B-2, §21-1B-3, and §21-1B-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §21-1B-9, all relating to labor; verifying the legal employment status of all persons who come into their employ and to report their employment to the appropriate governmental agencies; providing definitions; using E-Verify, the electronic verification of federal employment authorization program of the Illegal Immigration Reform and Immigrant Responsibility Act of

1996; and providing that unauthorized workers employment prohibited”; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 657** - “A Bill to amend and reenact §33-15A-6 of the Code of West Virginia, 1931, as amended, relating to requirements for long term care insurance”; which was referred to the Committee on Health and Human Resources then the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 661** - “A Bill to amend and reenact §23-5A-3 of the Code of West Virginia, 1931, as amended, relating to the clarification of preferential recall rights for employees sustaining a compensable injury; providing for employee to make written demand for reinstatement and mailing demand to the employer's principal office; removing provision for restoring employee to a comparable position; providing for a preferential recall time period of 90 days from the date the employee is released to return to regular employment; providing that it is the obligation of the employee to continually seek employment during the employee's preferential recall time period; and removing provision relating to preferential right of recall for a one-year period”; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 678** - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the

balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2023, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 730** - “A Bill to amend and reenact §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; applying authority of commission to successor agencies of the Department of Health and Human Resources; removing limitation on commission review; expanding authority of commission to conduct review into administrative, fiscal, programmatic, and systematic areas of department; permitting commission to require reports; and permitting commission and Joint Committee to designate format and submission instructions for reporting”; which was referred to the Committee on Health and Human Resources.

At the request of Delegate Jeffries, and by unanimous consent, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

### **Committee Reports**

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

**H. B. 3270**, To amend the deliberate intent statute to limit noneconomic damages to \$250,000,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3270** - “A Bill to amend and reenact §23-4-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §23-4-2a, §23-4-2b and §23-4-2c, all relating to the deliberate intent exception to the immunities provided under Workers Compensation by clarifying the definition of employee, requiring bifurcation of discovery upon request of the defendant, and establishing a limit on noneconomic loss,”

And,

**H. B. 3332**, Creating judicial circuits and assigning the number of circuit judges in each circuit to be elected in the 2024 election,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3332** - “A Bill to amend and reenact §51-2-1 of the Code of West Virginia, 1931, as amended, relating to creating judicial circuits and assigning the number of circuit judges in each circuit to be elected in the 2024 election; and establishing geographic divisions in some circuits,”

With the recommendation that the committee substitutes each do pass.

Delegate Criss, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**H. B. 3529**, Making a supplementary appropriation to the Department of Commerce, State Board of Rehabilitation – Division of Rehabilitation Services,

And reports the same back with the recommendation that it do pass.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

**H. B. 3146**, Establishing in West Virginia Code, the contents of the Uniform Public Meetings During Emergencies Act,

**H. B. 3156**, Raising the compensation rates of panel attorneys,

**H. B. 3360**, Creating an office of the Inspector General within the Department of Homeland Security,

And,

**H. B. 3439**, To limit the civil liability of child placing agencies that obtain an insurance policy in an amount not less than \$1 million per incident,

And reports the same back with the recommendation that they each do pass.

Delegate Criss, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**H. B. 3370**, Creating loan program for certain properties and developments on U. S. Army Corps of Engineers land, state parks and resorts,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3370** - "A Bill to amend and reenact §20-5A-1 of the code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §20-5A-3; and to amend said code by adding thereto a new section, designated §31-15-8b, all relating to establishing the State Parks Enhancement Loan Insurance Program; authorizing the board of trustees of the West Virginia State Parks and Recreation Endowment Fund to use the fund to facilitate or provide collateral for the program; providing that the program will provide for the guarantee of a loan made to an eligible private entity to be used exclusively for new or existing projects, developments, or attractions on properties of West Virginia State Parks and resorts that are constructed on U.S. Army Corps of Engineers property, wherein such properties and



developments have no collateral for loans, and on any other property under the jurisdiction of the Division of Natural Resources, or on a hybrid tourism destination, to encourage economic development and tourism and increasing recreational opportunities; providing for the establishment of requirements and procedures for the issuance of loan insurance; limiting the amount of loan insurance through the program to the amount of the the assets existing in the fund; providing that no amount of the fund's income may be used to provide loan insurance; providing for application and additional procedures or guidelines for the program; requiring approval in writing from secretary of the Department of Commerce, the secretary of the Department of Economic Development, and the secretary of the Department of Tourism to apply for loan insurance; requiring the board of trustees to cooperate with the West Virginia Economic Development Authority and authorizing the board of trustees to utilize the staff and resources of the authority for guidance and assistance in administering the program; providing additional powers and duties to the board of trustees; requiring reporting; and requiring that the West Virginia Economic Development Authority to facilitate the administration of the program and that its executive director make the authority's staff available to provide guidance and assistance for the administration of the program,”

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:

**H. B. 3342**, Relating to cooperation between municipal and county economic development authorities,

And reports the same back with the recommendation that it do pass.

Delegate Criss, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**H. B. 2953**, Creating the Commission on Cost-of-Living Adjustments,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2953** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-36-1, §29-36-2, §29-36-3, §29-36-4, §29-36-5, §29-36-6, and §29-36-7, all relating to the creation of the Commission on Cost-of-Living Adjustments; providing for a declaration of public policy and legislative findings; establishing the commission and providing for membership, terms, and authority; establishing meetings for the commission; providing for the commission's authority and duties; establishing commission reports on determinations and recommendations regarding certain localities to the Legislature and the Executive; providing for various factors for the commission to consider in making recommendations and determinations; providing for legislative action and possible future appropriations; providing for applicability and exceptions; providing for rulemaking; providing for the creation and administration of the Locality Cost-of-Living Adjustment Fund; providing for payment of expenses of the commission and payment of cost-of-living adjustments to certain defined state employees based upon workstation location and other external economic factors,”

**H. B. 3035**, Relating generally to high-quality education programs and school operations,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3035** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2E-13, relating to establishing the Grow Your Own West Virginia Pathway to Teaching Program; and requiring West Virginia Board of Education to promulgate rules to govern the program and grant funds,”

And,

**H. B. 3084**, Relating to revising provisions related to public charter schools,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3084** - “A Bill to amend and reenact §18-5-48 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-5G-1, §18-5G-2, §18-5G-3, §18-5G-4, §18-5G-5, §18-5G-7, §18-5G-12 and §18-5G-15 of said code; and to amend and reenact §18-9A-15 of said code; all relating to revising provisions related to public charter schools; providing public charter school access to funding from School Safety Fund; modifying priorities for funds use; requiring rule on process for needs-based funding requests and requiring rules; expressing legislative intent on comparable levels of funding for public charter school students; authorizing state institution of higher education as applicant; prohibiting imposition of requirements on public charter schools choosing to incorporate post-secondary, industry and workforce program that are not required of noncharter public schools; authorizing public charter schools to include before and after school programs in their education program; excluding public charter school programs from regulation as child care facility; authorizing public charter school students to participate on the same basis as other public school students in extracurricular athletic and academic interscholastic activities sponsored by noncharter public school serving attendance area if not sponsored by charter school; emphasizing that charter school determines certification and licensure for teachers and instructional staff employed by it; clarifying public charter schools are exempt from state board policies unless otherwise specifically provided; excluding requirement that charter school employees be certified or licensed as condition of employment and providing that charter school may require employees be certified or licensed as condition of employment but is not required to; requiring professional charter school board to consult with nationally recognized organizations along with the state board; providing for administering required state assessments in virtual setting; requiring state board to establish framework and procedures for interaction between public charter schools, public noncharter schools and county boards to

facilitate cooperation and ensure prompt transfer of records; providing for invoicing of certain funding when student transfers from and to certain entities after the beginning of the school year; allowing member of charter school governing board to be employee of education service provider if services are provided by state institution of higher education; providing conditions for charter school governing board to be administrative unit of state institution of higher education and authorizing contract; prohibiting sale or other transfer of public facility with clear title and no restrictive covenant after public charter school requests usage; authorizing professional charter school board to receive and expend gifts, grants and donations to carry out purposes of act, to apply for federal funds to implement programs, and to make start-up grants to public charter schools; and requiring for state board rule on method for providing increased enrollment funding for public charter schools,”

With the recommendation that the committee substitutes each do pass.

Delegate Ellington, Chair of the Committee on Education submitted the following report, which was received:

Your Committee on Education has had under consideration:

**Com. Sub. for S. B. 602**, Enabling WVSU and Bluefield State University to offer associate degrees,

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference to the Committee on Finance be dispensed with.

Delegate Jeffries asked unanimous consent that second reference to the Committee on Finance be dispensed with, which consent was not given, objection being heard.

The Speaker put the question “Shall the second reference to the Committee on Finance be dispensed with?”

On this question, the yeas and nays were taken (**Roll No. 249**), and there were—yeas 49, nays 33, absent and not voting 18, with the nays and the absent and not voting being as follows:

Nays: Brooks, Dean, Dillon, Dittman, Ferrell, Fluharty, Garcia, Griffith, A. Hall, W. Hall, Hansen, Hite, Honaker, Hornbuckle, Kirby, Longanacre, Mallow, Marple, Petitto, E. Pritt, Pushkin, Reynolds, Ross, Rowe, Sheedy, Skaff, Storch, Thorne, Tully, Vance, Walker, Willis and Young.

Absent and Not Voting: Adkins, Bridges, Capito, Ellington, Hardy, Horst, Hott, Kump, Lucas, Martin, Maynor, McGeehan, Pinson, Riley, Steele, Westfall, Williams and Worrell.

So, two thirds of the members present not having voted in the affirmative, the motion was rejected, and the bill was referred to the Committee on the Finance.

### **Special Calendar**

#### **Second Reading**

**Com. Sub. for H. B. 2016**, Relating to confidential childcare records; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 2064**, To create commercial opportunity zones to attract new businesses to West Virginia; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 2065**, West Virginia Heavy Duty Truck Excise Tax Elimination Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 2122**, Relating to custodial interrogation of a child; on second reading, coming up in regular order, was, reported by the Clerk.

Delegate Hornby asked and obtained unanimous consent to be removed as a cosponsor of H. B. 3558.

At the request of Delegate Jeffries, and by unanimous consent, **H. B. 2122** was postponed one day.

**Com. Sub. for H. B. 2483**, Creating a tax credit for improving facades in historic districts; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Criss and Foster, the bill was amended page 2, section 8i, following line 38, by inserting a new subsection (h) to read as follows: “(h) No credit may be authorized pursuant to the provisions of this section if when the applicant begins to claim the credit and throughout the time period within which the credit is claimed, the taxpayer: (1) is in arrears in the payment of any local or municipal tax, or (2) the taxpayer is delinquent in the payment of property taxes on the property containing the façade to be replaced.”; and

On page 4, section 23h, following line 38, by inserting a new subsection (h) to read as follows: “(h) No credit may be authorized pursuant to the provisions of this section if when the applicant begins to claim the credit and throughout the time period within which the credit is claimed, the taxpayer: (1) is in arrears in the payment of any local or municipal tax, or (2) the taxpayer is delinquent in the payment of property taxes on the property containing the façade to be replaced.”

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 2567**, Relating to felony trespassing; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Foster, the bill was amended on page 4, section 3, line 30, by striking the word “article” following the word “this” and inserting in lieu thereof the word “subsection”

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 2648**, Authorizing certain agencies and boards of the DHHR to promulgate a legislative rule; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 2759**, Relating to updating the health care provider tax; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 2760**, To allow CPR fire fighters to drive ambulances when both attendants are needed to administer patient care; on second reading, coming up in regular order, was read a second time.

An amendment from by the Committee on Government Organization, was adopted, on page 1, section 6, line 17 by striking the word “obtained” and inserting the word “completed”.

And,

On page 1, section 6, line 17 by striking the word “Certification” and inserting the word “Course”.

And,

On page 1, section 6, line 18 by inserting “or legislative rule promulgated thereunder” after the word “code”.

Note: The language in the amendment had already been incorporated into the committee substitute.

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 3006**, West Virginia Critical Infrastructure Protection Act ; on second reading, coming up in regular order, was read a second time.

An amendment offered by Delegate Worrell was reported by the Clerk, on page 4, section 34, line 83, by striking the language contained in lines 83 and 84 and inserting the following language and renumbering thereafter.

~~“(1) Any person or organization monitoring or attentive to compliance with public or worker safety laws, or, wage and hour requirements;~~

(1) Any person or organization:

(i) Monitoring or attentive to compliance with public or worker safety laws, or, wage and hour requirements;

(ii) Picketing at the workplace that is otherwise lawful and arises out of a bona fide labor dispute, including any controversy concerning wages, salaries, hours, working conditions, or benefits, including health and welfare, sick leave, insurance, and pension or retirement provisions, the managing or maintenance of collective bargaining agreements, and the terms to be included in those agreements;

(iii) Engaging in union organizing or recruitment activities, including attempting to reach workers verbally, in writing with pamphlets and investigation of non-union working conditions, or both.”

An amendment offered by Delegate A. Hall was then reported by the Clerk on page 3, section 34, line 56, by striking and inserting the following language and renumbering as appropriate thereafter:

“(2) (A) Any person who willfully damages, destroys, vandalizes, defaces, steals or tampers with equipment or assets in a critical infrastructure facility causing damage in excess of \$2,500 is guilty of a felony and, upon conviction thereof, shall be fined not less than \$5,000 nor more than \$10,000, or imprisoned in a state correctional facility for a term of not less than one year nor more than five years, or both fined and imprisoned.

~~(i) who willfully damages, destroys, vandalizes, defaces, or tampers with equipment in a critical infrastructure facility causing damage in excess of \$2,500 or~~

~~(ii) who damages, destroys, or steals any amount of copper from such facility,~~



~~is guilty of a felony and, upon conviction thereof, shall be fined not less than \$1,000 \$5,000 nor more than \$5,000 \$10,000, or imprisoned in a state correctional facility for a term of not less than one year nor more than five years, or both fined and imprisoned.”~~

On the question of adoption of the amendment offered by Delegate A. Hall, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 250**), and there were—yeas 46, nays 37, absent and not voting 17, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Chiarelli, Clark, Cooper, Criss, Espinosa, Fast, Ferrell, Forsht, Gearheart, W. Hall, Heckert, Honaker, Hornby, Householder, Howell, Jeffries, Jennings, Keaton, Kelly, Kimble, Lucas, Marple, Mazzocchi, Miller, Reynolds, Ridenour, Rowe, Shamblin, Sheedy, Statler, Storch, Street, Toney, Tully, Warner and Willis.

Absent and Not Voting\*: Adkins, Bridges, Capito, Ellington, Hardy, Horst, Hott, Kump, Martin, Maynor, McGeehan, Pinson, Riley, Steele, Westfall, Williams and Worrell.

So, a majority of the members present having voted in the affirmative, the amendment was adopted.

\*Delegate Hansen announced that his vote did not register and he is recorded in the affirmative.

At the request of Delegate Householder, and by unanimous consent, the bill was advanced to third reading with the amendment offered by Delegate Worrell pending and the rule was suspended to permit the consideration of the amendment on that reading.

**Com. Sub. for H. B. 3013**, Relating to authorizing the Jefferson County Commission to levy a special district excise tax; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3059**, Give PSC authority to fine Class I railroads for safety and operational violations.; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Reynolds, the bill was amended on page 6, immediately following section 19, by inserting the following new section:

**“§24-2G-20: Penalties.**

(a) A railroad operator may be subject to a fine or civil penalty in accordance with subsection (b) of this section, upon a determination by the commission or by a court that the railroad operator has failed to substantially comply with the provisions of this article or rules or orders prescribed by the commission.

(b) The commission may fine or obtain civil penalties against a railroad operator for each violation of subsection (a) of this section, in an amount not less than \$100 nor more than \$1000 for each such violation. Any penalty assessed under this section is in addition to any other costs, expenses, or payments for which the railroad operator is responsible under the other provisions of this section.

(c) In addition to fines and civil penalties, the commission may determine and declare and by order require that for violation of the provisions of subsection (a) of this section, the railroad operator must comply with the requirements of this article or orders prescribed by the Commission.”

On motion of Delegate Burkhammer, the bill was amended on page 8, chapter 54, article 1, immediately following the article header by inserting the following:

**“§54-1-9. Crossing or alteration of course of works of another entity; civil action; certain utilities crossing railroads; provisions governing.**

(a) If any entity having the power of eminent domain under other provisions of this article including any railroad company, canal company, company organized for the purpose of transporting

oil or natural or manufactured gas, or both, by means of pipeline, company organized for the purpose of transporting coal and its derivatives and all mixtures and combinations thereof with any substance by means of pipes or otherwise, telephone or telegraph company, company operating an electric transmission line, private corporation or public corporation operating a system of pipelines for transporting water, private corporation or public corporation operating a sewer system for public use, the West Virginia department of highways, or any county court, deems it necessary in the construction or relocation of its works, or any part thereof, to cross any other railroad, canal, sewer line, pipeline, any state or other public road at grade or otherwise, telephone or telegraph line or electric transmission line, such crossing may be made provided said works be so constructed as not to impede the passage or transportation of persons, property, commodities or sewage along, over or through the same. If any such company, private corporation, public corporation, West Virginia department of highways or county court desire that the course of any other railroad, canal, sewer line, pipeline, state, or other public road, telephone or telegraph line, electric transmission line, or any stream which is not a public highway, be altered to avoid the necessity of any crossing, or of frequent crossings, or to facilitate the crossing thereof, or the construction of a parallel work, the alteration may be made in such manner as may be agreed between the said party desiring such alteration and the owner of such other facility or land to be affected thereby. In case the parties interested fail to agree upon such crossing or alteration as is desired, said party desiring such crossing or alteration may bring a civil action, and in such action the court may, in a proper case, order that any proper crossing, or alteration, may be made upon payment of just compensation for the property or interest in property to be taken and upon payment of damages, if any, to the residue thereof beyond all benefits to be derived thereby. Following said civil action, and if the court order such crossing or alteration may be made, said party desiring such crossing or alteration may thereupon proceed under article two of this chapter to obtain the right to make such crossing or alteration and to have determined the amount of compensation and damages owing as a result thereof.

(b) Definitions— For the purposes of this section:

'Actual flagging expenses' means expenses directly attributable to the cost of maintaining flaggers at the point of the crossing during the period of time construction is actually occurring. 'Actual flagging expenses' shall be considered pass-through expenses and shall not exceed the expense incurred by the railroad company.

'Crossing utility' means an entity having the power of eminent domain under other provisions of this article including any railroad company, canal company, company organized for the purpose of transporting oil or natural or manufactured gas, or both, by means of pipeline, company organized for the purpose of transporting coal and its derivatives and all mixtures and combinations thereof with any substance by means of pipes or otherwise, telephone or telegraph company, company operating an electric transmission line, private corporation or public corporation operating a system of pipelines for transporting water, private corporation or public corporation operating a sewer system for public use, the West Virginia department of transportation, or any county commission

'Direct expenses' includes

(i) the cost of inspecting and monitoring the crossing site;

(ii) administrative and engineering costs for review of specifications and for entering a crossing on the railroad's books, maps, and property records, and other reasonable administrative and engineering costs incurred as a result of the crossing; and

(iii) document and preparation fees associated with a crossing and any engineering specifications related to the crossing.

'Railroad company' includes any company, trustee, or other person that owns, leases, or operates a railroad or owns or leases the land upon which a railroad is operated, and any company, trustee, or other person to which a railroad company has granted rights to collect or retain all or a portion of any revenue stream owed by a third party for use of or access to such railroad company's facilities or property.

'Standard cumulative crossing fee' means a one-time payment to reimburse the railroad company for all direct expenses, and in lieu of any license, application, risk, or occupancy fees. Such fee shall include any personnel costs such as administrative or engineering reviews of a crossing notice or flagging operation.

(c) If a crossing utility deems it necessary in the construction of its systems to cross the works of a railroad company, including its tracks, bridges, facilities, and all railroad company rights of way or easements, then the crossing utility may do so, provided that:

(1) Such crossing shall be:

(i) three hundred feet or less in length;

(ii) located, constructed, and operated so as not to impair, impede, or obstruct, in any material degree, the works and operations of the railroad to be crossed;

(iii) supported by permanent and proper structures and fixtures;  
and

(iv) controlled by customary and approved appliances, methods, and regulations to prevent damage to the works of the railroad and ensure the safety of its passengers;

(2) The crossing utility shall give the railroad company written notice of the crossing utility's intent to cross the works of such railroad company at least thirty days before the desired crossing date. The written notice shall include:

(i) the standard cumulative crossing fee described in §54-1-9(e);

(ii) preliminary construction plans that show the location of the crossing, including whether it is located in another public right-of-way;

(iii) the proposed date of commencement of work;

(iv) the anticipated duration of the construction of the crossing,  
and

(v) the contact information of the crossing utility's point of contact.

(d) The crossing utility shall be responsible for all aspects of the implementation of the physical crossing, including the construction and installation of the utility lines and all related equipment, attachments, and infrastructure. The railroad company shall be responsible for flagging operations and other protective measures that it deems appropriate during the period of utility line construction. The crossing utility shall be responsible for ensuring that the crossing is constructed and operated in accordance with all accepted industry standards, including standards established by all the national safety accrediting bodies.

(e) A crossing utility that locates within a railroad right-of-way shall pay the railroad company for the right to make a crossing of the railroad company's works a one-time standard cumulative crossing fee of seven hundred fifty dollars for each crossing unless:

(i) otherwise agreed to by the crossing utility and the railroad company or

(ii) the railroad company has petitioned for inverse condemnation in the circuit court of the county in which the crossing is to be located in accordance with this section.

The crossing utility shall reimburse the railroad company for any actual flagging expenses associated with a crossing in addition to the standard crossing fee if the railroad company schedules the flaggers on or before the proposed crossing date. If the railroad company fails to schedule flaggers on or before the proposed crossing date, then the railroad company shall not be reimbursed for any actual flagging expenses associated with the crossing. The railroad company shall substantiate the actual flagging expenses incurred to qualify for reimbursement.

(f) The crossing utility shall reimburse the railroad company for any actual flagging expenses associated with a crossing in addition to the standard crossing fee if the railroad company schedules the flaggers on or before the proposed crossing date. If

the railroad company fails to schedule flaggers on or before the proposed crossing date, then the railroad company shall not be reimbursed for any actual flagging expenses associated with the crossing. The railroad company shall substantiate the actual flagging expenses incurred to qualify for reimbursement.

(g) In no case shall a crossing utility be required to pay a standard cumulative crossing fee for the right to make a crossing of the railroad company's works within another public right-of-way.

(h) If the crossing utility gives notice to the railroad company to cross a section of track that has been legally abandoned pursuant to an order of a federal or state agency having jurisdiction over the track and is not being used for railroad service, then the railroad company shall notify the crossing utility that the specified section of track is legally abandoned within thirty days of such notice. A crossing utility seeking to cross a legally abandoned section of track shall be subject to a reduced one-time standard cumulative crossing fee of five hundred dollars.

(i) If the railroad company asserts that:

(i) the one-time standard cumulative crossing fee is not adequate compensation for the specified crossing;

(ii) the proposed crossing will cause undue hardship on the railroad company; or

(iii) the proposed crossing will create the imminent likelihood of danger to public health or safety;

then the railroad company may petition the circuit court of the county in which the crossing is to be located for inverse condemnation and any other relief pursuant to this section within fifteen days from the date the crossing utility provided notice of the intended crossing. Within thirty days from the date of such notice, the court, in its discretion, may, by notice served upon both parties, suspend work on such crossing for a reasonable time, not to exceed sixty days, upon a showing by the railroad sufficient to obtain

injunctive relief under the rules of civil procedure on the grounds that:

(i) the proposed crossing will cause undue hardship on the railroad company; or

(ii) the proposed crossing will create the imminent likelihood of danger to public health or safety.

(j) A crossing utility may petition the circuit court in the county in which the crossing is to be located for injunctive and other relief under the rules of civil procedure.

(k) The state shall grant a right-of-way or permit to any crossing utility seeking to use the right-of-way or permit for utility expansion to the extent that the state owns any interest in any real property crossed by a railroad or manages any real property not owned by the state that is crossed by a railroad.

(l) The provisions of this section shall apply notwithstanding any contrary provision of law.

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 3114**, Deny severance pay to employees of DOT for failure or refusal of drug testing; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3214**, To create the Road Optimization & Assessment Data (ROAD) Pilot Project; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3274**, Creating the Affordable Medicaid Buy-in Program; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.



**Com. Sub. for H. B. 3341**, To allow cigar bars; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3398**, Relating to the establishment of the West Virginia Memorial to Fallen Heroes of the Global War on Terrorism; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3409**, Relating to authorizing application of the manufacturing investment tax credit and the manufacturing property tax adjustment credit against personal income tax; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3444**, Relating to the creation of the West Virginia Semiquincentennial Commission and Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3445**, Relating generally to probation and parole; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Jeffries, and by unanimous consent, the bill was postponed one day.

**Com. Sub. for H. B. 3450**, Relating generally to racetrack video lottery and the Licensed Racetrack Modernization Fund; on second reading, coming up in regular order, was read a second time.

Delegate Butler moved to amend the bill on page 2, section 10, line 18, after the word “through” by striking the date “June 30, 2030” and inserting in lieu thereof the date “June 30, 2023”;

On page 2, section 10, line 26, after the word “code” by inserting the following:

“which funds among other items the promise scholarship, West Virginia infrastructure, economic development, school building

debt service, state parks improvement, and the general purpose account for appropriations of the legislature”;

And,

On page 2, section 10, beginning on line 28, after the word “beginning” by striking the date “July 1, 2030” and inserting in lieu thereof the date “July 1, 2023”.

On the question of adoption of the amendment, the same was put and did not prevail.

On motion of Delegates McGeehan and Criss, the bill was amended beginning on page three, line sixty-three, through page four, line eighty-one, by striking out subdivision (3) in its entirety and inserting the following:

“(3) The county where the video lottery terminals are located shall receive two percent of the net terminal income: *Provided*, That:

(A) Beginning July 1, 1999, and thereafter, any amount in excess of the two percent received during the fiscal year 1999 by a county in which a racetrack is located that has participated in the West Virginia Thoroughbred Development Fund since on or before January 1, 1999, shall be divided as follows:

(i) The county shall receive 50 percent of the excess amount; and

(ii) The municipalities of the county shall receive 50 percent of the excess amount, said 50 percent to be divided among the municipalities on a per capita basis as determined by the most recent decennial United States census of population; and

(B) Beginning July 1, 1999, and thereafter, any amount in excess of the two percent received during the fiscal year 1999 by a county in which a racetrack other than a racetrack described in paragraph (A) of this subdivision is located and where the racetrack has been located in a municipality within the county since on or before January 1, 1999, shall be divided, if applicable, as follows:

(i) The county shall receive 50 percent of the excess amount; and

(ii) The municipality shall receive 50 percent of the excess amount; and

~~(C) This proviso shall not affect the amount to be received under this subdivision by any other county other than a county described in paragraph (A) or (B) of this subdivision;~~

(C) In a county in which a racetrack other than a racetrack described in paragraphs (A) or (B) of this subdivision is located and where the racetrack has been located within that county since on or before January 1, 1999, and where the racetrack is not located in a municipality, the two percent of net terminal income shall be divided, if applicable, as follows:

(i) The county shall receive one percent; and

(ii) The remaining one percent shall be distributed in equal shares to all municipalities located wholly within the county. Per capita population has no effect on distributions under this paragraph;”

And,

On page ten, following line 222, by inserting a new section to read as follows:

**“§29-22A-10b. Distribution of excess net terminal income.**

(a) For all years beginning on or after July 1, 2001, any amount of net terminal income generated annually by a licensed racetrack in excess of the amount of net terminal income generated by that licensed racetrack during the fiscal year ending on June 30, 2001, shall be divided as follows:

(1) The Commission shall receive forty-one percent of net terminal income, which the Commission shall deposit in the state Excess Lottery Revenue Fund created in §29-22-18a of this code;

(2) Until July 1, 2005, eight percent of net terminal income at a licensed racetrack shall be deposited in the special fund established by the licensee and used for payment of regular purses in addition to other amounts provided in §19-23-1 *et seq.* of this code; on and after July 1, 2005, the rate shall be four percent of net terminal income;

(3) The county where the video lottery terminals are located shall receive two percent of the net terminal income: *Provided, That:*

(A) Any amount by which the total amount under this section and §29-22A-10(c)(3) of this code is in excess of the two percent received during fiscal year 1999 by a county in which a racetrack is located that has participated in the West Virginia Thoroughbred Development Fund since on or before January 1, 1999, shall be divided as follows:

(i) The county shall receive 50 percent of the excess amount; and

(ii) The municipalities of the county shall receive 50 percent of the excess amount, the 50 percent to be divided among the municipalities on a per capita basis as determined by the most recent decennial United States census of population; and

(B) Any amount by which the total amount under this section and §29-22A-10(c)(3) of this code is in excess of the two percent received during fiscal year 1999 by a county in which a racetrack other than a racetrack described in paragraph (A) of this proviso is located and where the racetrack has been located in a municipality within the county since on or before January 1, 1999, shall be divided, if applicable, as follows:

(i) The county shall receive 50 percent of the excess amount; and

(ii) The municipality shall receive 50 percent of the excess amount; and

~~(C) This proviso shall not affect the amount to be received under this subdivision by any county other than a county described in paragraph (A) or (B) of this proviso;~~

(C) In a county in which a racetrack other than a racetrack described in paragraphs (A) or (B) of this subdivision is located and where the racetrack has been located within that county since on or before January 1, 1999, and where the racetrack is not located in a municipality, the two percent of net terminal income shall be divided, if applicable, as follows:

(i) The county shall receive one percent; and

(ii) The remaining one percent shall be distributed in equal shares to all municipalities located wholly within the county. Per capita population has no effect on distributions under this paragraph;

(4) One half of one percent of net terminal income shall be paid for and on behalf of all employees of the licensed racing association by making a deposit into a special fund to be established by the Racing Commission to be used for payment into the pension plan for all employees of the licensed racing association;

(5) The West Virginia Thoroughbred Development Fund created under §19-23-13b of this code and the West Virginia greyhound breeding development fund created under §19-23-10 of this code shall receive an equal share of a total of not less than one and one-half percent of the net terminal income.

(6) The West Virginia Racing Commission shall receive one percent of the net terminal income which shall be deposited and used as provided in §19-23-13c of this code;

(7) A licensee shall receive forty-two percent of net terminal income;

(8) The tourism promotion fund established in §5B-2-12 of this code shall receive three percent of the net terminal income: *Provided, That for each fiscal year beginning after June 30, 2004,*

this three percent of net terminal income shall be distributed pursuant to the provisions of §29-22A-10(c)(8)(B) of this code;

(9) (A) On and after July 1, 2005, four percent of net terminal income shall be deposited into the Workers' Compensation Debt Reduction Fund created in §23-2D-5 of this code: *Provided*, That in any fiscal year when the amount of money generated by this subdivision together with the total allocation transferred by the operation of §29-22A-10(c)(9) of this code totals \$11 million, all subsequent distributions under this subdivision (9) during that fiscal year shall be deposited in the special fund established by the licensee and used for payment of regular purses in addition to other amounts provided in §19-23-1 *et seq.* of this code;

(B) The deposit of the four percent of net terminal income into the Worker's Compensation Debt Reduction Fund pursuant to this subdivision shall expire and not be imposed with respect to these funds, which shall be deposited in the special fund established by the licensee and used for payment of regular purses in addition to the other amounts provided in §19-23-1 *et seq.* of this code on and after the first day of the month following the month in which the Governor certifies to the Legislature that: (i) The revenue bonds issued pursuant to §23-2D-1 *et seq.* of this code have been retired or payment of the debt service is provided for; and (ii) that an independent certified actuary has determined that the unfunded liability of the Old Fund, as defined in chapter twenty-three of this code, has been paid or provided in its entirety; and

(10) (A) One percent of the net terminal income shall be deposited in equal amounts in the capitol dome and improvements fund created under §5A-4-2 of this code and cultural facilities and capitol resources matching grant program fund created under §29-1-3 of this code; and

(B) Notwithstanding any provision of paragraph (A) of this subdivision to the contrary, for each fiscal year beginning after June 30, 2004, this one percent of net terminal income shall be distributed pursuant to the provisions of §29-22A-10(c)(9)(B)(ii) of this code.

(b) The Commission may establish orderly and effective procedures for the collection and distribution of funds under this section in accordance with the provisions of this section and §29-22A-10 of this code.”

The bill was then ordered to engrossment and third reading.

**H. B. 3459**, To allow for a best value procurement evaluation for prequalified bidders; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3473**, Creating a workgroup relating to Dig Once Policy; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Linville, the bill was amended on page 1, section 10, line 2, immediately following the word “Protection” by inserting the following:

“a designee of West Virginia 811,”

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 3479**, Creating requirements for use of unmanned aircraft; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Ridenour, the bill was amended on page 1, in the Article header, immediately following the word “unmanned” by striking “aircraft system” and inserting in lieu thereof “aerial vehicle”.

And,

On page 1, section 1, line 3, immediately following the word “unmanned” by striking “aircraft vehicles or systems” and inserting in lieu thereof “aerial vehicles”.

And,

On page 1, section 1, line 6, immediately following the word “unmanned” by striking “aircraft system or system” and inserting in lieu thereof “aerial vehicles”.

And,

On page 1, section 1, line 11, immediately following the word “unmanned” by striking “aircraft system” and inserting in lieu thereof “aerial vehicle”.

And,

On page 1, section 1, line 12, immediately following the word “unmanned” by striking “aircraft system” and inserting in lieu thereof “aerial vehicle”.

And,

On page 1, section 2, in the section heading, immediately following the word “unmanned” by striking “aircraft system” and inserting in lieu thereof “aerial vehicle”.

And,

On page 1, section 2, line 2, immediately following the word “unmanned” by striking “aircraft system” and inserting in lieu thereof “aerial vehicle”.

And,

On page 2, section 2, line 14, immediately following the word “unmanned” by striking “aircraft system” and inserting in lieu thereof “aerial vehicle”.

And,

On page 2, section 2, line 16, immediately following the word “unmanned” by striking “aircraft system” and inserting in lieu thereof “aerial vehicle”.

And,



On page 2, section 2, line 24, immediately following the word “unmanned” by striking “aircraft system” and inserting in lieu thereof “aerial vehicle”.

And,

on page 2, section 2, line 29, immediately following the word “unmanned” by striking “aircraft system” and inserting in lieu thereof “aerial vehicle”.

And,

On page 2, section 2, line 32, immediately following the word “unmanned” by striking “aircraft system” and inserting in lieu thereof “aerial vehicle”.

And,

On page 3, section 2, line 42, immediately following the word “unmanned” by striking “aircraft system” and inserting in lieu thereof “aerial vehicle”.

And,

On page 2, section 2, line 43, immediately following the word “unmanned” by striking “aircraft system” and inserting in lieu thereof “aerial vehicle”.

And,

On page 2, section 2, line 47, immediately following the word “unmanned” by striking “aircraft system” and inserting in lieu thereof “aerial vehicle”.

And,

On page 2, section 2, line 52, immediately following the first occurrence of the word “unmanned” by striking “aircraft systems” and inserting in lieu thereof “aerial vehicles”.

And,

On page 2, section 2, line 52, immediately following the second occurrence of the word “unmanned” by striking “aircraft system” and inserting in lieu thereof “aerial vehicle”.

And,

On page 2, section 2, line 53, immediately following the word “unmanned” by striking “aircraft system” and inserting in lieu thereof “aerial vehicle”

The bill was then ordered to engrossment and third reading.

**H. B. 3493**, Relating to prohibiting certain foreign ownership of agricultural land; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3551**, Provide for criminal history record restrictions for certain persons; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3552**, Relating to per diem jail costs; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Hillenbrand, the bill was amended on page 4, section 16, line 96, by inserting the words “, or of a Class III municipal corporation as defined in §8-1-3 of this code but with a population in excess of 4,000 according to the most recent census taken under the authority of the United States,” following the word “code”.

The bill was then ordered to engrossment and third reading.

**H. B. 3554**, Relating to prohibiting a municipality or the governing body of any municipality from limiting rental of a property; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Jeffries, and by unanimous consent, the bill was postponed one day.

**H. B. 3556**, Uniform Recognition and Enforcement of Canadian Domestic Violence Protective Orders Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Delegate Householder asked and obtained unanimous consent to return to further consideration of Com. Sub. for S. B. 602.

Pursuant to House Rule 58, Delegate Householder moved to reconsider the vote taken on dispensing the committee reference to the Committee on Finance.

On the motion to reconsider the vote on dispensing with the second reference to the Committee on Finance on Com. Sub. for S. B. 602, the yeas and nays were demanded, which demand was sustained.

Having been ordered, the yeas and nays were taken (**Roll No. 251**), and there were—yeas 48, nays 34, absent and not voting 18, with the nays and the absent and not voting being as follows:

Nays: Anderson, Brooks, Butler, Criss, Dean, Dillon, Espinosa, Fehrenbacher, Fluharty, Foggin, Garcia, Griffith, Hansen, Heckert, Honaker, Hornbuckle, Howell, Longanacre, E. Pritt, Pushkin, Reynolds, Ridenour, Ross, Rowe, Sheedy, Skaff, Storch, Toney, Tully, Vance, Walker, Willis, Young and Zatezalo.

Absent and Not Voting: Adkins, Bridges, Capito, Ellington, Ferrell, Hardy, Horst, Hott, Kirby, Kump, Martin, Maynor, Pinson, Riley, Steele, Westfall, Williams and Worrell.

So, a majority of the members present having voted in the affirmative, the motion to reconsider was adopted.

On the motion to dispense with the second reference to the Committee on Finance, the yeas and nays were taken (**Roll No. 252**), and there were—yeas 51, nays 31, absent and not voting 18, with the nays and the absent and not voting being as follows:

Nays: Anderson, Brooks, Butler, Criss, Dean, Dillon, Espinosa, Fehrenbacher, Fluharty, Foggin, Garcia, Griffith,

Hansen, Heckert, Honaker, Hornbuckle, Howell, Longanacre, E. Pritt, Pushkin, Reynolds, Ross, Rowe, Sheedy, Skaff, Storch, Tully, Vance, Walker, Willis and Young.

Absent and Not Voting: Adkins, Bridges, Capito, Ellington, Ferrell, Hardy, Horst, Hott, Kirby, Kump, Martin, Maynor, Pinson, Riley, Steele, Westfall, Williams and Worrell.

So, two thirds of the members present not having voted in the affirmative, the motion to dispense with the second reference was rejected.

### **First Reading**

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

**Com. Sub. for H. B. 2026**, Authorizing municipalities with police or firefighter employees in PERS to elect to become participating employer in Municipal Police Officer and Firefighter Retirement System for a limited time,

**Com. Sub. for H. B. 2305**, Relating to titling and registration of foreign market vehicles,

**Com. Sub. for H. B. 2860**, To dispose of old AFFF foam accumulated by fire departments,

**Com. Sub. for H. B. 3042**, Relating to forbidding excessive government limitations on exercise of religion,

**Com. Sub. for H. B. 3095**, Creating a Department of Economic Development grant program relating to agricultural vocational and technical training facilities at West Virginia schools,

**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,

**Com. Sub. for H. B. 3232**, Regulation of Fantasy Gaming Competitions and Implementation of Sports Wagering,

**H. B. 3244**, Relating to Municipal Pensions Oversight Board proposing legislative rules,

**Com. Sub. for H. B. 3254**, Establishing a State Military Funeral Honor Guard in honor of Hershel “Woody” Williams, known as the Hershel “Woody” Williams State Military Funeral Honor Guard,

**Com. Sub. for H. B. 3271**, Relating to increasing monitoring of special education classrooms,

**Com. Sub. for H. B. 3280**, Authorizing adjustment from federal adjusted gross income for certain law enforcement pension benefit payments,

**H. B. 3299**, Relating to Natural Resource Police Officer Retirement,

**Com. Sub. for H. B. 3363**, Law Enforcement Officers Safety Act,

**Com. Sub. for H. B. 3364**, Requiring the closure of certain municipal policemen's and firemen's pension and relief funds as condition of issuance of pension funding revenue bonds,

**H. B. 3432**, Relating to statutory construction,

**H. B. 3519**, Making a supplementary appropriation to the Department of Transportation, Division of Motor Vehicles,

**H. B. 3520**, Making a supplementary appropriation to the Department of Education, State Board of Education – Vocational Division,

**H. B. 3521**, Making a supplementary appropriation to the Division of Health – Maternal and Child Health,

**H. B. 3522**, Making a supplementary appropriation to the Department of Commerce, Division of Natural Resources – License Fund – Wildlife Resources,

**H. B. 3523**, Making a supplementary appropriation to Miscellaneous Boards and Commissions, Economic Development Authority,

**H. B. 3528**, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations,

And,

**H. B. 3558**, Relating to providing an exception to the provisions of the Uniform Common Interest Ownership Act (UCOIA).

### **Leaves of Absence**

At the request of Delegate Jeffries, and by unanimous consent, leaves of absence for the day were granted Delegates Bridges, Ellington, Hott and Williams.

### **Miscellaneous Business**

At the request of Delegate Linville, and by unanimous consent, the report from which the Delegate read during his remarks regarding Com. Sub. for H. B. 3247, was ordered printed in the Appendix to the Journal.

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

**H. B. 2898**: Delegate Cooper;

**H. B. 3049**: Delegates Forsht and Mazzocchi;

**H. B. 3075**: Delegate Mallow;

**H. B. 3186**: Delegate Worrell;

**H. B. 3331:** Delegate Kump;

**H. B. 3354:** Delegate Foster;

**H. B. 3369:** Delegates Fast, Kimble and Westfall;

**H. B. 3405:** Delegates Kirby and Ridenour;

**H. C. R. 7:** Delegate Ridenour;

And,

**H. C. R. 44:** Delegate Ridenour.

Pursuant to House Rule 94b, a form was filed with the Clerk's Office to be removed as a cosponsor of the following:

**H. B. 3075:** Delegate Riley.

At 7:37 p.m., the House of Delegates adjourned until 9:00 a.m., Saturday, February 25, 2023.

---

Saturday, February 25, 2023

**FORTY-SIXTH 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 Friday, February 24, 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 H. B. 3459, on Third Reading, Special Calendar; H. B. 3558, on Second Reading, Special Calendar; and Com. Sub. for S. B. 205, Com. Sub. for H. B. 439, S. B. 591 and H. B. 2878, on First Reading, Special Calendar, had been transferred to the House Calendar; and Com. Sub. for H. B. 2900, on Second Reading, House Calendar, H. B. 2906, Com. Sub. for H. B. 2910, H. B. 2915, H. B. 3072, H. B. 3396 and H. B. 3509 on First Reading, House Calendar, had been transferred to the Special Calendar.

**Committee Reports**

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

**H. B. 2939**, Relating to filing of lien by municipalities for collection of refuse fees,

And,



**H. B. 3500**, Allowing consumer lenders to permit employees to conduct certain business at locations other than the licensee's designated office,

And reports the same back with the recommendation that they each do pass.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

**H. B. 3313**, Restraining county commissions from imposing rules and regulations on farmers beyond what is already prescribed through state statute,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3313** - "A Bill to amend and reenact §7-1-3ff and §7-1-3kk of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §7-1-3zz; to amend and reenact §7-1-14 of said code; and to amend and reenact §19-19-2 of said code, all relating generally to clarifying the limit of authority of county commissions as it relates to regulation of agricultural production operations,"

**H. B. 3354**, To authorize municipalities to combine operations with other municipalities and counties to provide governmental services,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3354** - "A Bill to amend and reenact §8-12-5 of the Code of West Virginia, 1931, as amended, relating to allowing municipalities to combine operations with other municipalities and counties to provide governmental services; removing the regulation of keeping gunpowder and other combustibles; and clarifying that a firearm violation is a violation of only state law,"

And,

**H. B. 3405**, Change the maximum time period of a protective order to one year,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3405** - “A Bill to amend and reenact §48-27-505 of the Code of West Virginia, 1931, as amended, relating to changing the time period of a protective order extension to one year,”

With the recommendation that the committee substitutes each do pass.

### **Messages from the Executive**

#### **and Other Communications**

Communications from His Excellency, the Governor, advised that on February 24, 2023, he approved **H. B. 2800**, **H. B. 2882**, **Com. Sub. for H. B. 3061**, **Com. Sub. for S. B. 239** and **S. B. 275**.

### **Special Calendar**

#### **Third Reading**

**Com. Sub. for H. B. 2016**, Relating to confidential childcare records; 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. 253**), 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, Horst, Hott, Longanacre, E. Pritt, Skaff, Smith, Westfall and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2016) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 2064**, To create commercial opportunity zones to attract new businesses to West Virginia; 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. 254**), and there were—yeas 75, nays 17, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Coop-Gonzalez, Dean, Dillon, Fast, Gearheart, A. Hall, Hansen, Kimble, Kirby, Kump, Longanacre, Martin, McGeehan, C. Pritt, Ridenour, Steele and Vance.

Absent and Not Voting: Bridges, Horst, Hott, E. Pritt, Skaff, Smith, Westfall and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2064) passed.

Delegate Kimble moved that the bill take effect July 1, 2023.

On this question, the yeas and nays were taken (**Roll No. 255**), and there were—yeas 82, nays 9, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Dean, Dillon, Fast, A. Hall, Kimble, Kump, Longanacre, C. Pritt and Vance.

Absent and Not Voting: Bridges, Horst, Hott, E. Pritt, Skaff, Smith, Steele, Westfall and Williams.

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. 2064) takes effect July 1, 2023.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 2065**, West Virginia Heavy Duty Truck Excise Tax Elimination Act; on third reading, coming up in regular order, was read a third time.

### **Speaker Pro Tempore Espinosa in the Chair**

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 256**), and there were—yeas 72, nays 19, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Anderson, Barnhart, Butler, Cooper, Criss, Dean, Dillon, Fehrenbacher, Foggin, Heckert, Honaker, Kimble, Kirby, C. Pritt, Sheedy, Steele, Street, Thorne and Vance.

Absent and Not Voting: Bridges, Horst, Hott, E. Pritt, Skaff, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 2065) passed.

Delegate Kimble that the bill take effect July 1, 2023.

On this question, the yeas and nays were taken (**Roll No. 257**), and there were—yeas 83, nays 7, absent and not voting 10, with the nays and the absent and not voting being as follows:

Nays: Butler, Cooper, Dillon, Kimble, C. Pritt, Steele and Vance.

Absent and Not Voting: Bridges, Horst, Hott, Jennings, E. Pritt, Skaff, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 2065) takes effect July 1, 2023.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 2483**, Creating a tax credit for improving facades in historic districts; 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. 258**), and there were—yeas 82, nays 9, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Butler, Dillon, Foster, A. Hall, Holstein, Longanacre, Thorne, Vance and Ward.

Absent and Not Voting: Bridges, Horst, Hott, E. Pritt, Skaff, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 2483) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 2567**, Relating to felony trespassing; 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. 259**), and there were—yeas 82, nays 9, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Pushkin, Rowe, Walker and Young.

Absent and Not Voting: Bridges, Horst, Hott, E. Pritt, Skaff, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 2567) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 2648**, Authorizing certain agencies and boards of the DHHR to promulgate a legislative rule; 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. 260**), and there were—yeas 90, nays none, absent and not voting 10, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Horst, Hott, E. Pritt, Skaff, Smith, Street, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 2648) passed.

Delegate Kimble moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 261**), and there were—yeas 90, nays none, absent and not voting 10, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Horst, Hott, E. Pritt, Skaff, Smith, Street, Westfall, Williams and Hanshaw (Mr. Speaker).

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 2648) takes effect from its passage.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 2759**, Relating to updating the health care provider tax; 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. 262**), and there were—yeas 79, nays 12, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Chiarelli, Dillon, Foster, A. Hall, Kump, Linville, Longanacre, C. Pritt, Ridenour, Steele and Vance.

Absent and Not Voting: Bridges, Horst, Hott, E. Pritt, Skaff, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 2759) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 2760**, To allow CPR fire fighters to drive ambulances when both attendants are needed to administer patient care; 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. 263**), 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, Horst, Hott, Pinson, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 2760) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3006**, West Virginia Critical Infrastructure Protection Act; on third reading, coming up in regular order, with amendment pending, was reported by the Clerk.

The amendment offered by Delegate Worrell was reported by the Clerk.

Delegate Kimble subsequently asked and obtained unanimous consent to move the bill to the foot of bills on third reading.

**Com. Sub. for H. B. 3013**, Relating to authorizing the Jefferson County Commission to levy a special district excise tax; 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. 264**), and there were—yeas 67, nays 22, absent and not voting 11, with the nays and the absent and not voting being as follows:

Nays: Brooks, Butler, Cannon, Chiarelli, Coop-Gonzalez, Dillon, Fast, Foster, Hanna, Holstein, Keaton, Kimble, Kump, Linville, Longanacre, Martin, Pinson, Ross, Steele, Street, Vance and Ward.

Absent and Not Voting: Bridges, Dittman, Horst, Hott, C. Pritt, E. Pritt, Smith, Storch, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 3013) passed.



Delegate Kimble moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 265**), and there were—yeas 74, nays 16, absent and not voting 10, with the nays and the absent and not voting being as follows:

Nays: Brooks, Burkhammer, Butler, Coop-Gonzalez, Dillon, Fast, Kimble, Kump, Linville, Longanacre, Martin, Pinson, C. Pritt, Steele, Vance and Ward.

Absent and Not Voting: Bridges, Foster, Horst, Hott, E. Pritt, Smith, Storch, Westfall, Williams and Hanshaw (Mr. Speaker).

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 3013) 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. 3059**, Give PSC authority to fine Class I railroads for safety and operational violations; on third reading, coming up in regular order, was read a third time.

Delegate Heckert requested to be excused from voting under the provisions of House Rule 49.

The Speaker Pro Tempore ruled that the Delegate was a member of a class of persons possibly to be affected and directed the Member to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 266**), and there were—yeas 89, nays 3, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Crouse, Espinosa and Gearheart.

Absent and Not Voting: Bridges, Horst, Hott, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 3059) passed.

On motion of Delegate Linville, the title of the bill was amended to read as follows:

**Com. Sub. for H. B. 3059** - "A Bill to amend and reenact §31-2A-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §54-1-9 of said Code; and to amend said Code by adding thereto a new article, designated §24-2G-1, §24-2G-2, §24-2G-3, §24-2G-4, §24-2G-5, §24-2G-6, §24-2G-7, §24-2G-8, §24-2G-9, §24-2G-10, §24-2G-11, §24-2G-12, §24-2G-13, §24-2G-14, §24-2G-15, §24-2G-16, §24-2G-17, §24-2G-18, §24-2G-19, and §24-2G-20; and to amend said Code by adding thereto a new section designated as §54-1-9a, all relating to railroads; relating to railroad administration powers of the Public Service Commission; providing a definition; clarifying regulation of service applicable to railroads; providing exceptions; allowing for inquiries into management of railroads and investigation into violations of interstate commerce law; allowing for inquiries into neglect or violations of law; authorizing examinations and production of books and papers; providing for forfeiture for refusal to comply with subpoena; requiring annual statement to commission and identification of officers and directors; providing a prohibition against directing a violation of law; creating a duty to provide adequate service and facilities; directing that charges conform to schedule; requiring maintenance of depots, switches, and sidetracks; recognizing commission's authority over private tracks; prohibiting unlawful preference; prohibiting violations of article; providing rulemaking authority; providing authority to commission to impose civil penalties for violations; requiring railroad companies to provide alternative entry and exit ways in certain circumstances; regulating lines of certain utilities crossing railroads; providing definitions; providing guidance for notice of intent to cross; setting conditions of crossing; providing for one-time standard cumulative crossing fee; delineating flagging

expenses; providing guidance for crossing within another public right of way; providing guidance for crossing abandoned track; providing for petition by railroad to circuit court for relief; providing for petition by utility for relief; setting standards for utility crossing of state property that is crossed by a railroad or property managed by the state that is crossed by a railroad; regulating fiber optic broadband lines crossing railroads; providing legislative findings and purpose; providing definitions; providing guidance for notice of intent to cross; setting conditions of crossing; providing for one-time standard cumulative crossing fee; delineating flagging expenses; providing guidance for crossing within another public right of way; providing guidance for crossing abandoned track; providing for petition by railroad to circuit court for relief; providing for petition by broadband provider for relief; and setting standards for broadband provider crossing of state property that is crossed by a railroad or property managed by the state that is crossed by a railroad.”

*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. 3114**, Deny severance pay to employees of DOT for failure or refusal of drug testing; 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. 267**), and there were—yeas 90, nays none, absent and not voting 10, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, DeVault, Horst, Hott, McGeehan, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 3114) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3214**, To create the Road Optimization & Assessment Data (ROAD) Pilot Project; 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. 268**), and there were—yeas 88, nays 3, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Gearheart, A. Hall and Thorne.

Absent and Not Voting: Bridges, Horst, Hott, Longanacre, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 3214) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3274**, Creating the Affordable Medicaid Buy-in Program; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 269**), and there were—yeas 73, nays 19, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Butler, Cannon, Coop-Gonzalez, Dillon, Foster, Gearheart, Hardy, Hillenbrand, Householder, Jeffries, Keaton, Kimble, Linville, Martin, C. Pritt, Ridenour, Ross and Thorne.

Absent and Not Voting: Bridges, Horst, Hott, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 3274) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3341**, To allow cigar bars; 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. 270**), and there were—yeas 57, nays 33, absent and not voting 10, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Butler, DeVault, Dillon, Dittman, Fast, Ferrell, Griffith, A. Hall, Hansen, Hillenbrand, Holstein, Hornby, Jeffries, Jennings, Kimble, Longanacre, Mallow, Mazzocchi, Pinson, Pushkin, Rohrbach, Ross, Rowe, Sheedy, Statler, Street, Toney, Vance, Walker, Ward, Worrell and Young.

Absent and Not Voting: Bridges, Foggin, Horst, Hott, McGeehan, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 3341) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3398**, Relating to the establishment of the West Virginia Memorial to Fallen Heroes of the Global War on Terrorism; 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. 271**), 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, Horst, Hott, Mazzocchi, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 3398) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3409**, Relating to authorizing application of the manufacturing investment tax credit and the manufacturing property tax adjustment credit against personal income tax; 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. 272**), and there were—yeas 90, nays none, absent and not voting 10, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Horst, Hott, Miller, Pinson, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 3409) passed.

Delegate Miller, who was absent on Roll No. 272, noted to the Clerk that he would have voted “Yea” thereon.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 3444**, Relating to the creation of the West Virginia Semiquincentennial Commission and Fund; 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. 273**), and there were—yeas 83, nays 5, absent and not voting 12, with the nays and the absent and not voting being as follows:

Nays: Coop-Gonzalez, Dillon, Thorne, Vance and Ward.

Absent and Not Voting: Bridges, Burkhammer, Honaker, Horst, Hott, Householder, Pinson, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (H. B. 3444) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3450**, Relating generally to racetrack video lottery and the Licensed Racetrack Modernization Fund; 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. 274**), and there were—yeas 59, nays 31, absent and not voting 10, with the nays and the absent and not voting being as follows:

Nays: Barnhart, Brooks, Burkhammer, Butler, Coop-Gonzalez, Dean, Dillon, Fast, Ferrell, Gearheart, A. Hall, Hanna, Hillenbrand, Holstein, Jeffries, Jennings, Keaton, Kimble, Kirby, Kump, Linville, Longanacre, Mallow, Pinson, Ross, Steele, Thorne, Toney, Vance, Ward and Worrell.

Absent and Not Voting: Bridges, Fehrenbacher, Honaker, Horst, Hott, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 3450) passed.

On motion of Delegate Criss, the title of the bill was amended to read as follows:

**Com. Sub. for H. B. 3450** – “A Bill to amend and reenact §29-22A-10 and §29-22A-10b of the Code of West Virginia, 1931, as amended, all relating to racetrack video lottery; providing for certain transfers to and from the Licensed Racetrack Modernization Fund; specifying eligible purposes for recoupment of funds on deposit in facility modernization account within the Licensed Racetrack Modernization Fund; and modifying the distribution of net terminal income to counties where the video lottery terminals are located.”

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 3473**, Creating a workgroup relating to Dig Once Policy; 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. 275**), and there were—yeas 83, nays 8, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Cooper, Coop-Gonzalez, Gearheart, Longanacre, Steele, Street, Vance and Ward.

Absent and Not Voting: Bridges, Clark, Horst, Hott, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (H. B. 3473) passed.

Delegate Kimble moved that the bill take effect July 1, 2023.



On this question, the yeas and nays were taken (**Roll No. 276**), and there were—yeas 88, nays 4, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Coop-Gonzalez, Gearheart, Vance and Ward.

Absent and Not Voting: Bridges, Horst, Hott, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker Pro Tempore declared the bill (H. B. 3473) takes effect July 1, 2023.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3479**, Creating requirements for use of unmanned aerial vehicles; 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. 277**), 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, Horst, Hott, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 3479) passed.

On motion of Delegate Capito, the title of the bill was amended to read as follows:

**H. B. 3479** - “A Bill to amend and reenact §61-16-1 and §61-16-2 of the Code of West Virginia, 1931, as amended, all relating to unmanned aerial vehicles; adding definitions; requiring compliance with all federal laws and regulations relating to such

vehicles; and creating criminal offenses and penalties for certain conduct using an unmanned aerial vehicle.”

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 3493**, Relating to prohibiting certain foreign ownership of agricultural land; 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. 278**), 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, Horst, Hott, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (H. B. 3493) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3551**, Provide for criminal history record restrictions for certain persons; 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. 279**), and there were—yeas 89, nays 2, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Butler and Gearheart.

Absent and Not Voting: Bridges, Horst, Hott, Longanacre, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 3551) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 3552**, Relating to per diem jail costs; 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. 280**), and there were—yeas 88, nays 3, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Gearheart, Pushkin and Rowe.

Absent and Not Voting: Bridges, Horst, Hott, Longanacre, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (H. B. 3552) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 3556**, Uniform Recognition and Enforcement of Canadian Domestic Violence Protective Orders Act; 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. 281**), and there were—yeas 84, nays 8, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Dillon, Foggin, A. Hall, Kirby, McGeehan, Phillips, C. Pritt and Vance.

Absent and Not Voting: Bridges, Horst, Hott, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (H. B. 3556) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Having been placed at the foot of third reading in earlier proceedings, the House returned to consideration of **Com. Sub. for H. B. 3006**, West Virginia Critical Infrastructure Protection Act.

At 12:05 p.m., on motion of Delegate Householder, the House of Delegates recessed until 12:30 p.m.

\* \* \* \* \*

### **Afternoon Session**

\* \* \* \* \*

The House of Delegates was called to order by the Honorable Paul Espinosa, Speaker Pro Tempore.

The House resumed consideration of **Com. Sub. for H. B. 3006**, West Virginia Critical Infrastructure Protection Act.

Whereupon,

Delegate Worrell asked and obtained unanimous consent that his amendment be withdrawn.

Delegate Fast asked unanimous consent to amend the bill on third reading, which consent was not given, objection being heard.

Delegate Fast then so moved.

On this motion, the yeas and nays were taken (**Roll No. 282**), and there were—yeas 81, nays 8, absent and not voting 11, with the nays and the absent and not voting being as follows:

Nays: Brooks, Burkhammer, Butler, Hanna, Hardy, Longanacre, Martin and Steele.

Absent and Not Voting: Bridges, Foggin, Horst, Hott, Lucas, C. Pritt, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, two thirds of the members present having voted in the affirmative, the motion was adopted.

An amendment sponsored by Delegate Capito was then reported by the Clerk on page 1 by striking everything after the enacting clause and inserting in lieu thereof the following:

**“ARTICLE 10. CRIMES AGAINST PUBLIC POLICY.**

**§61-10-34. Critical Infrastructure Protection Act; prohibiting certain acts, including trespass and conspiracy to trespass against property designated a critical Infrastructure facility; criminal penalties; and civil action.**

(a) This section may be referred to as the 'West Virginia Critical Infrastructure Protection Act'.

(b) For purposes of this section:

'Critical Infrastructure' means systems and assets, whether physical or virtual, so vital to the United States of America or the State of West Virginia that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, state economic security, national public health or safety, state public health or safety, or any combination of those matters, whether such systems or assets are in operation or are under any state of construction.

'Critical infrastructure facility' means one of the following, if completely enclosed by a fence or other physical barrier that is

obviously designed to exclude intruders, or if clearly marked with a sign or signs that are posted on the property that are reasonably likely to come to the attention of intruders and indicate that entry is forbidden without site authorization:

- (1) A petroleum or alumina refinery;
- (2) An electrical power generating facility, substation, switching station, electrical control center or electric power lines and associated equipment infrastructure;
- (3) A chemical, polymer or rubber manufacturing facility;
- (4) A water intake structure, water treatment facility, wastewater treatment plant or pump station;
- (5) A natural gas compressor station;
- (6) A liquid natural gas terminal or storage facility;
- (7) Wireline and wireless telecommunications infrastructure;
- (8) A port, railroad switching yard, trucking terminal, or other freight transportation facility;
- (9) A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas or natural gas liquids;
- (10) A transmission facility used by a federally licensed radio or television station;
- (11) A steelmaking facility that uses an electric arc furnace to make steel;
- (12) A facility identified and regulated by the United States Department of Homeland Security Chemical Facility Anti-Terrorism Standards (CFATS) program;
- (13) A dam that is regulated by the state or federal government;

(14) A natural gas distribution utility facility including, but not limited to, pipeline interconnections, a city gate or town border station, metering station, below- or above-ground pipeline or piping and truck loading or offloading facility, a natural gas storage facility, a natural gas transmission facility, or a natural gas utility distribution facility;

(15) A crude oil or refined products storage and distribution facility including, but not limited to, valve sites, pipeline interconnections, pump station, metering station, below- or above-ground pipeline or piping, and truck loading or offloading facility;

(16) Military facilities, including national guard facilities and equipment storage areas where non-military personnel are prohibited;

(17) Department of Highways facilities and locations near or on roads or highways where the public is prohibited;

(18) Health care facilities;

(19) Any above-ground portion of an oil, gas, hazardous liquid or chemical pipeline, tank, or other storage facility that is enclosed by a fence, other physical barrier or is clearly marked with signs prohibiting trespassing, that are obviously designed to exclude intruders; or

(20) A commercial service airport as defined by the Federal Aviation Administration.

(c)(1) Any person who willfully and knowingly trespasses or enters property containing a critical infrastructure facility without permission by the owner of the property or lawful occupant thereof is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$250 nor more than \$1,000, or confined in jail not less than 30 days nor more than one year, or both fined and confined. If the intent of the trespasser is to willfully damage, destroy, vandalize, deface, tamper with equipment, or impede or inhibit operations of the critical infrastructure facility, the person is guilty of a misdemeanor and, upon conviction thereof,

shall be fined not less than \$100 nor more than \$1,000, or confined in a jail for not more than one year, or both fined and confined.

(2) (A) Any person who willfully damages, destroys, vandalizes, defaces, steals or tampers with equipment or assets in a critical infrastructure facility causing damage in excess of \$2,500 is guilty of a felony and, upon conviction thereof, shall be fined not less than ~~\$1,000~~ \$5,000 nor more than ~~\$5,000~~ \$10,000, or imprisoned in a state correctional facility for a term of not less than one year nor more than five years, or both fined and imprisoned.

(B) Any person convicted of a second offense under the provisions of this subdivision is guilty of a felony and, upon conviction thereof, shall be fined not less than \$25,000 nor more than \$50,000, or imprisoned in a state correctional facility for a term of not less than three years nor more than ten years, or both fined and imprisoned.

(3) Any person who conspires with any person to commit the offense of trespass against a critical infrastructure facility in violation of subdivision (1) of subsection (c) of this section and the trespass actually occurs is guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount of not less than \$2,500 nor more than \$10,000. Any person who conspires with any person to willfully damage, destroy, vandalize, deface, or tamper with equipment in a critical infrastructure facility and the damage, destruction, vandalization, defacing or tampering causes damage in excess of \$2,500 is guilty of a felony and, shall, upon conviction thereof, be fined not less than \$5,000 nor more than \$20,000.

(d)(1) Any person who is arrested for or convicted of an offense under this section may be held civilly liable for any damages to personal or real property while trespassing, in addition to the penalties imposed by this section.

(2) Any person or entity that compensates, provides consideration to, or remunerates a person for trespassing as described in subdivision (1) of subsection (c) of this section may also be held liable for damages to personal or real property



committed by the person compensated or remunerated for trespassing.

(e) The provisions of this section do not apply to:

(1) (i) Any person or organization monitoring or attentive to compliance with public or worker safety laws, or, wage and hour requirements;

~~(ii) Picketing at the workplace that is otherwise lawful and arises out of a bona fide labor dispute, including any controversy concerning wages, salaries, hours, working conditions, or benefits, including health and welfare, sick leave, insurance, and pension or retirement provisions, the managing or maintenance of collective bargaining agreements, and the terms to be included in those agreements;~~

~~(iii) Engaging in union organizing or recruitment activities, including attempting to reach workers verbally, in writing with pamphlets and investigation of non union working conditions, or both.~~

(2) The right to free speech or assembly, including, but not limited to, protesting and picketing.

(3) A contractor who has a contractual relationship with a critical infrastructure facility and the contractor's employees are acting within their scope of employment performing work at a critical infrastructure facility.

(f)(1) (A) All items of personal property which are used, have been used, or are intended for use, used in perpetration of theft or damage to infrastructure shall be subject to forfeiture; (B) This includes all conveyances, including aircraft, vehicles or vessels, except that:

(i) A conveyance used by any person as a common carrier in the transaction of business as a common carrier may not be forfeited under this section unless it appears that the person owning the conveyance is a consenting party or privy to a violation of this section:

(ii) A conveyance may not be forfeited under the provisions of this article if the person owning the conveyance establishes that he or she neither knew, nor had reason to know, that the conveyance was being employed or was likely to be employed in a violation of this section: and:

(iii) A bona fide security interest or other valid lien in any conveyance may not be forfeited under the provisions of this article, unless the state proves by a preponderance of the evidence that the holder of the security interest or lien either knew, or had reason to know, that the conveyance was being used or was likely to be used in a violation of this chapter:

(2) All procedures relating to the seizure and disposition of property subject to forfeiture under the authority of this section shall be governed by the applicable provisions of the West Virginia Contraband Forfeiture Act, §60A-7-701, et. seq. of this code.”

Delegate Worrell moved to amend the amendment on page 4, section 34, line 81, by striking the language contained in lines 81 and 82 and inserting the following language and renumbering thereafter.

“(1) Any person or organization:

(i) Monitoring or attentive to compliance with public or worker safety laws, or, wage and hour requirements;

(ii) Picketing at the workplace that is otherwise lawful and arises out of a bona fide labor dispute, including any controversy concerning wages, salaries, hours, working conditions, or benefits, including health and welfare, sick leave, insurance, and pension or retirement provisions, the managing or maintenance of collective bargaining agreements, and the terms to be included in those agreements;

(iii) Engaging in union organizing or recruitment activities, including attempting to reach workers verbally, in writing with pamphlets and investigation of non-union working conditions, or both.”

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. 283**), and there were—yeas 30, nays 60, absent and not voting 10, with the yeas and the absent and not voting being as follows:

Yeas: Adkins, Cooper, Dean, Ferrell, Fluharty, Garcia, Griffith, A. Hall, Hansen, Hornbuckle, Kelly, Kimble, Marple, McGeehan, Miller, Nestor, Pushkin, Reynolds, Rohrbach, Ross, Rowe, Shamblin, Sheedy, Skaff, Storch, Toney, Vance, Walker, Worrell and Young.

Absent and Not Voting: Bridges, Ellington, Horst, Hott, Lucas, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present not having voted in the affirmative, the amendment to the amendment was rejected.

The question being on the adoption of the amendment sponsored by Delegate Capito, the same was put and adopted.

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 284**), and there were—yeas 67, nays 23, absent and not voting 10, with the nays and the absent and not voting being as follows:

Nays: Fluharty, Garcia, Griffith, A. Hall, W. Hall, Hansen, Hornbuckle, Kirby, Miller, Pinson, Pushkin, Rohrbach, Rowe, Shamblin, Skaff, Statler, Steele, Storch, Toney, Vance, Walker, Worrell and Young.

Absent and Not Voting: Bridges, Ellington, Horst, Hott, Lucas, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 3006) passed.

On motion of Delegate Capito, the title of the bill was amended to read as follows:

**Com. Sub. for H. B. 3006** - “A Bill to amend and reenact §61-10-34 of the Code of West Virginia, 1931, as amended, relating to the "West Virginia Critical Infrastructure Protection Act"; providing for the criminal offense of willfully damaging, destroying, vandalizing, defacing, stealing or tampering with equipment or assets in a critical infrastructure facility causing damage in excess of \$2,500; providing felony penalties for same; providing for forfeiture of items of personal property which are used, have been used, or are intended for use, used in perpetration of theft or damage to infrastructure, including all conveyances, including aircraft, vehicles or vessels; and providing that the forfeiture provisions of this bill be governed by the applicable provisions of the West Virginia Contraband Forfeiture Act

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

### **Second Reading**

**Com. Sub. for H. B. 2026**, Authorizing municipalities with police or firefighter employees in PERS to elect to become participating employer in Municipal Police Officer and Firefighter Retirement System for a limited time; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 2122**, Relating to custodial interrogation of a child; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Capito, the bill was amended, to change the section heading to read as follows on Page 5:

### **“CHAPTER 62. CRIMINAL PROCEDURE**

#### **ARTICLE 1A. SEARCH AND SEIZURE.**

**§62-1A-12. Custodial Interrogation of a juvenile; consultation with legal counsel; admissibility of statements.**

And,

On page 4, section 701, line 83, by striking out “§61-1A-12” and inserting “§62-1A-12”.

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 2305**, Relating to titling and registration of foreign market vehicles; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Howell, the bill was amended on page 1 by striking everything after the enacting clause and inserting in lieu thereof the following:

**“CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION,  
REGISTRATION, CERTIFICATE OF TITLE, AND  
ANTITHEFT PROVISIONS.**

**ARTICLE 1. WORDS AND PHRASES DEFINED.**

**§17A-1-1. Definitions.**

~~Except as otherwise provided in this chapter, the following words and phrases, when used in this chapter, have the meanings respectively ascribed to them in this article:~~

~~(a) 'Vehicle' means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.~~

~~(b) 'Motor vehicle' means every vehicle which is self propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.~~

~~(c) 'Motorcycle' means every motor vehicle, including motor-driven cycles and mopeds as defined in §17C-1-5 and §17C-1-5a of this code, having a saddle for the use of the rider and designed~~

to travel on not more than three wheels in contact with the ground, but excluding a tractor, and an electric bicycle as defined in §17C-1-70 of this code.

~~(d) 'School bus' means every motor vehicle owned by a public governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.~~

~~(e) 'Bus' means every motor vehicle designed to carry more than seven passengers and used to transport persons; and every motor vehicle, other than a taxicab, designed and used to transport persons for compensation.~~

~~(f) 'Truck tractor' means every motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and drawn load.~~

~~(g) 'Farm tractor' means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.~~

~~(h) 'Road tractor' means every motor vehicle designed, used, or maintained for drawing other vehicles and not constructed to carry any load thereon either independently or any part of the weight of a vehicle or drawn load.~~

~~(i) 'Truck' means every motor vehicle designed, used, or maintained primarily for the transportation of property.~~

~~(j) 'Trailer' means every vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle but excluding recreational vehicles.~~

~~(k) 'Semitrailer' means every vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.~~

~~(l) 'Pole trailer' means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.~~

~~(m) 'Specially constructed vehicles' means every vehicle of a type required to be registered hereunder not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.~~

~~(n) 'Reconstructed vehicle' means every vehicle of a type required to be registered hereunder materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used.~~

~~(o) 'Essential parts' means all integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation.~~

~~(p) 'Foreign vehicle' means every vehicle of a type required to be registered hereunder brought into this state from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this state.~~

~~(q) 'Implement of husbandry' means every vehicle which is designed for or adapted to agricultural purposes and used by the owner thereof primarily in the conduct of his or her agricultural operations, including, but not limited to, trucks used for spraying trees and plants: *Provided*, That the vehicle may not be let for hire at any time.~~

~~(r) 'Special mobile equipment' means every self propelled vehicle not designed or used primarily for the transportation of~~

~~persons or property and incidentally operated or moved over the highways, including, without limitation, road construction or maintenance machinery, ditch digging apparatus, stone crushers, air compressors, power shovels, graders, rollers, well drillers, wood-sawing equipment, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carryalls, serapers, drag lines, rock drilling equipment, and earth moving equipment. The foregoing enumeration in this subdivision is partial and may not operate to exclude other vehicles which are within the general terms of this subdivision.~~

~~(s) 'Pneumatic tire' means every tire in which compressed air is designed to support the load.~~

~~(t) 'Solid tire' means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.~~

~~(u) 'Metal tire' means every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.~~

~~(v) 'Commissioner' means the Commissioner of the Division of Motor Vehicles of this state.~~

~~(w) 'Division' means the Division of Motor Vehicles of this state acting directly or through its duly authorized officers and agents.~~

~~(x) 'Person' means every natural person, firm, copartnership, association, or corporation.~~

~~(y) 'Owner' means a person who holds the legal title to a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be considered the owner for the purpose of this chapter.~~



~~(z) 'Nonresident' means every person who is not a resident of this state.~~

~~(aa) 'Dealer' or 'dealers' is a general term meaning, depending upon the context in which used, either a new motor vehicle dealer, used motor vehicle dealer, factory built home dealer, recreational vehicle dealer, trailer dealer or motorcycle dealer, as defined in §17C-1-6 of this code, or all of the dealers or a combination thereof and, in some instances, a new motor vehicle dealer or dealers in another state.~~

~~(bb) 'Registered dealer' or 'registered dealers' is a general term meaning, depending upon the context in which used, either a new motor vehicle dealer, used motor vehicle dealer, house trailer dealer, trailer dealer, recreational vehicle dealer, or motorcycle dealer, or all of the dealers or a combination thereof, licensed under the provisions of §17A-6-1 *et seq.* of this code.~~

~~(cc) 'Licensed dealer' or 'licensed dealers' is a general term meaning, depending upon the context in which used, either a new motor vehicle dealer, used motor vehicle dealer, house trailer dealer, trailer dealer, recreational vehicle dealer, or motorcycle dealer, or all of the dealers or a combination thereof, licensed under the provisions of §17A-6-1 *et seq.* of this code.~~

~~(dd) 'Transporter' means every person engaged in the business of delivering vehicles of a type required to be registered hereunder from a manufacturing, assembling, or distributing plant to dealers or sales agents of a manufacturer.~~

~~(ee) 'Manufacturer' means every person engaged in the business of constructing or assembling vehicles of a type required to be registered hereunder at a place of business in this state which is actually occupied either continuously or at regular periods by the manufacturer where his or her books and records are kept and a large share of his or her business is transacted.~~

~~(ff) 'Street' or 'highway' means the entire width between boundary lines of every way publicly maintained when any part~~

~~thereof is open to the use of the public for purposes of vehicular travel.~~

~~(gg) 'Motorboat' means any vessel propelled by an electrical, steam, gas, diesel, or other fuel propelled or driven motor, whether or not the motor is the principal source of propulsion, but may not include a vessel which has a valid marine document issued by the bureau of customs of the United States government or any federal agency successor thereto.~~

~~(hh) 'Motorboat trailer' means every vehicle designed for or ordinarily used for the transportation of a motorboat.~~

~~(ii) 'All terrain vehicle' (ATV) means any motor vehicle designed for off highway use and designed to travel on not less than three low pressure or nonhighway tires, is 50 inches or less in width and intended by the manufacturer to be used by a single operator or is specifically designed by the manufacturer with seating for each passenger. 'All terrain vehicle' and 'ATV' does not include mini trucks, golf carts, riding lawnmowers, electric bicycles as defined in §17C 1-70 of this code, or tractors.~~

~~(jj) 'Travel trailer' means every vehicle, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use of such size or weight as not to require special highway movement permits when towed by a motor vehicle and of gross trailer area less than 400 square feet.~~

~~(kk) 'Fold down camping trailer' means every vehicle consisting of a portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the camp site to provide temporary living quarters for recreational, camping, or travel use.~~

~~(ll) 'Motor home' means every vehicle, designed to provide temporary living quarters, built into an integral part of or permanently attached to a self-propelled motor vehicle, chassis or van including: (1) Type A motor home built on an incomplete truck chassis with the truck cab constructed by the second stage manufacturer; (2) Type B motor home consisting of a van type~~

~~vehicle which has been altered to provide temporary living quarters; and (3) Type C motor home built on an incomplete van or truck chassis with a cab constructed by the chassis manufacturer.~~

~~(mm) 'Snowmobile' means a self propelled vehicle intended for travel primarily on snow and driven by a track or tracks in contact with the snow and steered by a ski or skis in contact with the snow.~~

~~(nn) 'Recreational vehicle' means a motorboat, motorboat trailer, all terrain vehicle, travel trailer, fold down camping trailer, motor home, or snowmobile.~~

~~(oo) 'Mobile equipment' means every self propelled vehicle not designed or used primarily for the transportation of persons or property over the highway but which may infrequently or incidentally travel over the highways among job sites, equipment storage sites, or repair sites, including farm equipment, implements of husbandry, well drillers, cranes, and wood sawing equipment.~~

~~(pp) 'Factory built home' includes mobile homes, house trailers, and manufactured homes.~~

~~(qq) 'Manufactured home' has the same meaning as the term is defined in §21-2-9 of this code which meets the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U. S. C. §5401, *et seq.*), effective on June 15, 1976, and the federal manufactured home construction and safety standards and regulations promulgated by the Secretary of the United States Department of Housing and Urban Development.~~

~~(rr) 'Mobile home' means a transportable structure that is wholly, or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and designed for long term residential use and built prior to enactment of the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U. S. C. §5401, *et seq.*), effective on June 15, 1976, and usually built to the voluntary industry standard of the American~~

~~National Standards Institute (ANSI) — A119.1 standards for mobile homes.~~

~~(ss) 'House trailers' means all trailers designed and used for human occupancy on a continual nonrecreational basis but may not include fold down camping and travel trailers, mobile homes, or manufactured homes.~~

~~(tt) 'Parking enforcement vehicle' means a motor vehicle which does not fit into any other classification of vehicle in this chapter, has three or four wheels, and is designed for use in an incorporated municipality by a city, county, state, or other governmental entity primarily for parking enforcement or other governmental purposes with an operator area with sides permanently enclosed with rigid construction and a top which may be convertible, sealed beam headlights, turn signals, brake lights, horn, at least one rearview mirror on each side, and such other equipment that will enable it to pass a standard motorcycle vehicle inspection.~~

~~(uu) 'Low speed vehicle' means a four wheeled motor vehicle whose attainable speed in one mile on a paved level surface is more than 20 miles per hour but not more than 25 miles per hour.~~

~~(vv) 'Utility terrain vehicle' means any motor vehicle with four or more low pressure or nonhighway tires designed for off highway use and is greater than 50 inches in width. 'Utility terrain vehicle' does not include mini trucks, golf carts, riding lawnmowers, or tractors.~~

Except as otherwise provided in this chapter, the following words and phrases, when used in this chapter, have the meanings respectively ascribed to them in this article:

'All-terrain vehicle' (ATV) means any motor vehicle designed for off-highway use and designed to travel on not less than three low-pressure or nonhighway tires, is 50 inches or less in width and intended by the manufacturer to be used by a single operator or is specifically designed by the manufacturer with seating for each passenger. 'All-terrain vehicle' and 'ATV' does not include mini

trucks, golf carts, riding lawnmowers, electric bicycles as defined in §17C-1-70 of this code, or tractors.

'Bus' means every motor vehicle designed to carry more than seven passengers and used to transport persons; and every motor vehicle, other than a taxicab, designed and used to transport persons for compensation.

'Commissioner' means the Commissioner of the Division of Motor Vehicles of this state.

'Dealer' or 'dealers' is a general term meaning, depending upon the context in which used, either a new motor vehicle dealer, used motor vehicle dealer, factory-built home dealer, recreational vehicle dealer, trailer dealer or motorcycle dealer, as defined in §17C-1-6 of this code, or all of the dealers or a combination thereof and, in some instances, a new motor vehicle dealer or dealers in another state.

'Division' means the Division of Motor Vehicles of this state acting directly or through its duly authorized officers and agents.

'Essential parts' means all integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation.

'Factory-built home' includes mobile homes, house trailers, and manufactured homes.

'Farm tractor' means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

'Fold-down camping trailer' means every vehicle consisting of a portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the camp site to provide temporary living quarters for recreational, camping, or travel use.

'Foreign market vehicle' means any motor vehicle originally manufactured outside the United States, which was not manufactured in accordance with 49 U.S.C. § 30101 *et seq.* and the policies and regulations adopted pursuant to that Act, and for which a West Virginia title or registration is sought.

'Foreign vehicle' means every vehicle of a type required to be registered hereunder brought into this state from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this state.

'House trailers' means all trailers designed and used for human occupancy on a continual nonrecreational basis but may not include fold-down camping and travel trailers, mobile homes, or manufactured homes.

'Implement of husbandry' means every vehicle which is designed for or adapted to agricultural purposes and used by the owner thereof primarily in the conduct of his or her agricultural operations, including, but not limited to, trucks used for spraying trees and plants: *Provided*, That the vehicle may not be let for hire at any time.

'Licensed dealer' or 'licensed dealers' is a general term meaning, depending upon the context in which used, either a new motor vehicle dealer, used motor vehicle dealer, house trailer dealer, trailer dealer, recreational vehicle dealer, or motorcycle dealer, or all of the dealers or a combination thereof, licensed under the provisions of §17A-6-1 *et seq.* of this code.

'Low-speed vehicle' means a four-wheeled motor vehicle whose attainable speed in one mile on a paved level surface is more than 20 miles per hour but not more than 25 miles per hour.

'Manufactured home' has the same meaning as the term is defined in §21-2-9 of this code which meets the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U. S. C. §5401, *et seq.*), effective on June 15, 1976, and the federal manufactured home construction and safety standards

and regulations promulgated by the Secretary of the United States Department of Housing and Urban Development.

'Manufacturer' means every person engaged in the business of constructing or assembling vehicles of a type required to be registered hereunder at a place of business in this state which is actually occupied either continuously or at regular periods by the manufacturer where his or her books and records are kept and a large share of his or her business is transacted.

'Metal tire' means every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

'Mobile equipment' means every self-propelled vehicle not designed or used primarily for the transportation of persons or property over the highway but which may infrequently or incidentally travel over the highways among job sites, equipment storage sites, or repair sites, including farm equipment, implements of husbandry, well drillers, cranes, and wood-sawing equipment.

'Mobile home' means a transportable structure that is wholly, or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and designed for long-term residential use and built prior to enactment of the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U. S. C. §5401, *et seq.*), effective on June 15, 1976, and usually built to the voluntary industry standard of the American National Standards Institute (ANSI) — A119.1 standards for mobile homes.

'Motor home' means every vehicle, designed to provide temporary living quarters, built into an integral part of or permanently attached to a self-propelled motor vehicle, chassis or van including: (1) Type A motor home built on an incomplete truck chassis with the truck cab constructed by the second stage manufacturer; (2) Type B motor home consisting of a van-type vehicle which has been altered to provide temporary living

quarters; and (3) Type C motor home built on an incomplete van or truck chassis with a cab constructed by the chassis manufacturer.

'Motor vehicle' means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

'Motorboat' means any vessel propelled by an electrical, steam, gas, diesel, or other fuel-propelled or -driven motor, whether or not the motor is the principal source of propulsion, but may not include a vessel which has a valid marine document issued by the bureau of customs of the United States government or any federal agency successor thereto.

'Motorboat trailer' means every vehicle designed for or ordinarily used for the transportation of a motorboat.

'Motorcycle' means every motor vehicle, including motor-driven cycles and mopeds as defined in §17C-1-5 and §17C-1-5a of this code, having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor, and an electric bicycle as defined in §17C-1-70 of this code.

'Nonresident' means every person who is not a resident of this state.

'Owner' means a person who holds the legal title to a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be considered the owner for the purpose of this chapter.

'Parking enforcement vehicle' means a motor vehicle which does not fit into any other classification of vehicle in this chapter, has three or four wheels, and is designed for use in an incorporated municipality by a city, county, state, or other governmental entity primarily for parking enforcement or other governmental purposes



with an operator area with sides permanently enclosed with rigid construction and a top which may be convertible, sealed beam headlights, turn signals, brake lights, horn, at least one rearview mirror on each side, and such other equipment that will enable it to pass a standard motorcycle vehicle inspection.

'Person' means every natural person, firm, copartnership, association, or corporation.

'Pneumatic tire' means every tire in which compressed air is designed to support the load.

'Pole trailer' means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

'Reconstructed vehicle' means every vehicle of a type required to be registered hereunder materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used.

'Recreational vehicle' means a motorboat, motorboat trailer, all-terrain vehicle, travel trailer, fold-down camping trailer, motor home, or snowmobile.

'Registered dealer' or 'registered dealers' is a general term meaning, depending upon the context in which used, either a new motor vehicle dealer, used motor vehicle dealer, house trailer dealer, trailer dealer, recreational vehicle dealer, or motorcycle dealer, or all of the dealers or a combination thereof, licensed under the provisions of §17A-6-1 *et seq.* of this code.

'Road tractor' means every motor vehicle designed, used, or maintained for drawing other vehicles and not constructed to carry any load thereon either independently or any part of the weight of a vehicle or drawn load.

'School bus' means every motor vehicle owned by a public governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

'Semitrailer' means every vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.

'Snowmobile' means a self-propelled vehicle intended for travel primarily on snow and driven by a track or tracks in contact with the snow and steered by a ski or skis in contact with the snow.

'Solid tire' means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

'Special mobile equipment' means every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including, without limitation, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, graders, rollers, well drillers, wood-sawing equipment, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, rock-drilling equipment, and earth-moving equipment. The foregoing enumeration in this subdivision is partial and may not operate to exclude other vehicles which are within the general terms of this subdivision.

'Specially constructed vehicles' means every vehicle of a type required to be registered hereunder not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.

'Street' or 'highway' means the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

'Trailer' means every vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle but excluding recreational vehicles.

'Transporter' means every person engaged in the business of delivering vehicles of a type required to be registered hereunder from a manufacturing, assembling, or distributing plant to dealers or sales agents of a manufacturer.

'Travel trailer' means every vehicle, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use of such size or weight as not to require special highway movement permits when towed by a motor vehicle and of gross trailer area less than 400 square feet.

'Truck' means every motor vehicle designed, used, or maintained primarily for the transportation of property.

'Truck tractor' means every motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and drawn load.

'Utility terrain vehicle' means any motor vehicle with four or more low-pressure or nonhighway tires designed for off-highway use and is greater than 50 inches in width. 'Utility terrain vehicle' does not include mini trucks, golf carts, riding lawnmowers, or tractors.

'Vehicle' means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

## **ARTICLE 3A. VEHICLE COMPLIANCE WITH FEDERAL CLEAN AIR STANDARDS AND VEHICLE SAFETY.**

**§17A-3A-3. Certificates of title.**

(a) Before any imported vehicle which has not previously been titled or registered in the United States may be titled in this state, the applicant must submit: (1) A manufacturer's certificate of origin issued by the actual vehicle manufacturer together with a notarized translation thereof; or (2) the documents constituting valid proof of ownership by an individual owner or exporter and evidencing a change of such ownership to the applicant, together with a notarized translation of any document; or (3) with regard to vehicles imported from countries which cancel the vehicle registration and title for export, the documents assigned to such vehicle after the registration and title have been canceled, together with a notarized translation thereof, and proof satisfactory to the division that the motor vehicle complies with the United States Clean Air Act and the Motor Vehicle Safety Act.

(b) In the event that the documents submitted as required by subsection (a) of this section do not name as owner the current applicant for a certificate of title, the applicant must also submit reliable proof of a chain of title. For those countries which utilize documents of registration rather than a certificate of title, proof of a chain of title for purposes of this subsection shall be accomplished by presenting the change of ownership certificate referred to in subsection (a) of this section.

(c) Any foreign market vehicle manufactured at least 25 years ago shall not be subject to the provisions of this section and may be titled in this state and registered upon application and payment of fees, including an additional \$25 fee.

**CHAPTER 17C. TRAFFIC REGULATIONS AND LAWS  
OF THE ROAD.****ARTICLE 16. INSPECTION OF VEHICLES.**

**§17C-16-4. Superintendent of the West Virginia State Police to require periodical inspection; acceptance of certificate of inspection from another state; suspension of registration of unsafe vehicles.**

(a) The Superintendent of the West Virginia State Police shall once each year require that every motor vehicle, trailer, semitrailer and pole trailer registered in this state be inspected and that an official certificate of inspection and approval be obtained for each vehicle: Provided, That any foreign market vehicle manufactured at least 25 years ago and that is titled in this state pursuant to §17A-3A-3(c) of this code shall not be subject to the safety inspections required by this section.

The inspections shall be made and the certificates obtained with respect to the mechanism, brakes and equipment of every vehicle designated by the Superintendent.

The Superintendent may make necessary rules for the administration and enforcement of this section and may designate any period or periods during which owners of any vehicles, subject to this section, shall display upon the vehicles certificates of inspection and approval or shall produce the certificates upon demand of any officer or employee of the State Police designated by the Superintendent or any police or peace officer when authorized by the Superintendent.

(b) The superintendent may authorize the acceptance in this state of a certificate of inspection and approval issued in another state having an inspection law similar to this chapter and may extend the time within which the resident owner of a vehicle which was not in this state during the time an inspection was required must obtain a certificate.

(c) At the request of the Superintendent, the Commissioner of the Division of Motor Vehicles may suspend the registration of any vehicle which the Superintendent determines is in such an unsafe condition that it constitutes a menace to safety or which after notice and demand is not equipped as required in this chapter or for which the vehicle's owner has not obtained the required certificate.

(d) If requested by the owner of the vehicle, the Superintendent shall also cause to be inspected a Class A farm use motor vehicle exempt from annual registration certificate and licensing as provided in section two, article three, chapter seventeen-a of this

code. If the Class A farm use motor vehicle passes the inspection, the Superintendent shall cause a certificate of inspection to be issued for that vehicle.”

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 2860**, To dispose of old AFFF foam accumulated by fire departments; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 2900**, Relating to the Deputy Sheriff Retirement System; on second reading, coming up in regular order, was read a second time.

An amendment offered by Delegates Pinson and Hanshaw (Mr. Speaker) was reported by the Clerk.

Whereupon,

Delegate Pinson asked and obtained unanimous consent that the amendment be withdrawn.

On motion of Delegates Storch, Pinson and Hanshaw (Mr. Speaker), the bill was amended on page 2, section 24a, after line 24, by inserting a new subsection (c) to read as follows:

“(c) Any retired member who is seeking re-employment pursuant to the provisions of this section shall not be subject to the maximum age restriction set forth in §7-14-8 of this code.”

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 3042**, Relating to forbidding excessive government limitations on exercise of religion; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Kimble, and by unanimous consent, the bill was advanced to third reading with amendments pending, and the rule was suspended to permit the offering and consideration of amendments on that reading.

**Com. Sub. for H. B. 3095**, Creating a Department of Economic Development grant program relating to agricultural vocational and technical training facilities at West Virginia schools; on second reading, coming up in regular order, was read a second time.

Delegates Dillon, Dean and Longanacre moved to amend the bill on page 1, section §5B-2-16e, line 5, by striking the words “Secretary of the Department of Economic Development” and inserting in lieu thereof the words “State Superintendent of Schools”.

And,

On page 2, section §5B-2-16e, line 14, by striking the words “Secretary of the Department of Economic Development” and inserting in lieu thereof the words “State Superintendent of Schools”.

And,

On page 2, section §5B-2-16e, line 22, after the words “Department of” by striking the words “Economic Development” and inserting in lieu thereof the word “Education”.

And,

On page 2, section §5B-2-16e, line 27, after the words “Department of” by striking the words “Economic Development” and inserting in lieu thereof the word “Education”.

And,

On page 2, section §5B-2-16e, line 33, after the words “private sector grants” by inserting the words “specified by the Department of Education as applicable sources of grant funding for the purposes of this section”.

And,

On page 2, section §5B-2-16e, line 35, by striking the words “Secretary of the Department of Economic Development” and

inserting in lieu thereof the words “State Superintendent of Schools”.

And,

On page 3, section §5B-2-16e, line 38, by striking the words “Secretary of the Department of Economic Development” and inserting in lieu thereof the words “State Superintendent of Schools”.

And,

On page 3, section §5B-2-16e, line 43, after the words “Department of” by striking the words “Economic Development” and inserting in lieu thereof the word “Education”.

And,

On page 7, section §18-9D-3, line 98, after the words “Department of” by striking the words “Economic Development” and inserting in lieu thereof the word “Education”.

On the adoption of the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 285**), and there were—yeas 26, nays 59, absent and not voting 15, with the yeas and the absent and not voting being as follows:

Yeas: Adkins, Brooks, Burkhammer, Butler, Chiarelli, Cooper, Coop-Gonzalez, Dean, Dillon, A. Hall, Kimble, Kirby, Longanacre, Marple, McGeehan, Phillips, C. Pritt, Ridenour, Ross, Steele, Street, Summers, Toney, Tully, Vance and Worrell.

Absent and Not Voting: Bridges, Ellington, Foggin, Forsht, Horst, Hott, Kump, Lucas, Martin, E. Pritt, Rohrbach, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present not having voted in the affirmative, the amendment was rejected.

The bill was then ordered to engrossment and third reading.



**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 second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3232**, Regulation of Fantasy Gaming Competitions and Implementation of Sports Wagering; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3244**, Relating to Municipal Pensions Oversight Board proposing legislative rules; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3254**, Establishing a State Military Funeral Honor Guard in honor of Hershel “Woody” Williams, known as the Hershel “Woody” Williams State Military Funeral Honor Guard; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3271**, Relating to increasing monitoring of special education classrooms; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Statler, the bill was amended on page 2, section 11, line 18, after the period, by inserting the words “If the public school is not able to receive the audio recording device by August 1, 2023, the public school may apply to the state Department of Education for a waiver to extend that date to August 1, 2024.”

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 3280**, Authorizing adjustment from federal adjusted gross income for certain law enforcement pension benefit payments; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3299**, Relating to Natural Resource Police Officer Retirement; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3363**, Law Enforcement Officers Safety Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3364**, Requiring the closure of certain municipal policemen's and firemen's pension and relief funds as condition of issuance of pension funding revenue bonds; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3432**, Relating to statutory construction; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3445**, Relating generally to probation and parole; on second reading, coming up in regular order, was read a second time.

Delegate Kirby moved to amend the bill on page 2, section 30, line 39, by inserting the following language and renumbering as appropriate thereafter.

“(e) Limitations on eligibility for earned compliance credits. - A person shall not be eligible to receive earned compliance credits as set forth in subsections (a) through (d) for periods of probation or parole resulting from convictions of the following offenses:

(1) Any felony crime of violence against the person as set forth in §61-2-1 et seq., §61-3E-1 et seq., §61-8B-1 et seq., and §61-8D-1 et seq. of this code.

(2) Any offense in which the probationer or parolee used or exhibited a deadly weapon or dangerous instrument.”

On the adoption of the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 286**), and there were—yeas 73, nays 7, absent and not voting 20, with the nays and the absent and not voting being as follows:

Nays: Garcia, Griffith, Hansen, Petitto, Pushkin, Rowe and Walker.

Absent and Not Voting: Barnhart, Bridges, Dillon, Ellington, Foggin, Forsht, Hanna, Horst, Hott, Kump, Lucas, Martin, Pinson, C. Pritt, E. Pritt, Ross, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the amendment was adopted.

The bill was then ordered to engrossment and third reading.

**H. B. 3519**, Making a supplementary appropriation to the Department of Transportation, Division of Motor Vehicles; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3520**, Making a supplementary appropriation to the Department of Education, State Board of Education – Vocational Division; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3521**, Making a supplementary appropriation to the Division of Health – Maternal and Child Health; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3522**, Making a supplementary appropriation to the Department of Commerce, Division of Natural Resources – License Fund – Wildlife Resources; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3523**, Making a supplementary appropriation to Miscellaneous Boards and Commissions, Economic Development

Authority; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3528**, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3554**, Relating to prohibiting a municipality or the governing body of any municipality from limiting rental of a property; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

#### **First Reading**

**Com. Sub. for H. B. 2814**, To create a Hydrogen power task force; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 2875**, Clarifying that Circuit Court Judges have the ability/authority to waive the requirement that a party pass a home study performed by the DHHR; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**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; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 2910**, Making a supplementary appropriation to the Department of Administration, Public Defender Services; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**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; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 2953**, Creating the Commission on Cost-of-Living Adjustments; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 2989**, Relating to increasing the number of out-of-state medical students receiving in-state tuition rates who agree to practice for a specific time within West Virginia; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3018**, Establishing that 18 is the age of consent and removing the ability of an underage person to obtaining a consent to marry through their parents, legal guardians, or by petition to the circuit court; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3035**, Relating generally to high-quality education programs and school operations; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3066**, Supplementing and amending appropriations to the Department of Education, State Board of Education - State Aid to Schools; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3072**, Supplementing and amending appropriations to Department of Homeland Security, Division of Administrative Services; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3084**, Relating to revising provisions related to public charter schools; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3146**, Establishing in West Virginia Code, the contents of the Uniform Public Meetings During Emergencies Act; on first

reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3156**, Raising the compensation rates of panel attorneys; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3224**, Adding West Virginia Junior College to the list of eligible institutions that accept PROMISE scholarship recipients; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3270**, To amend the deliberate intent statute to limit noneconomic damages to \$250,000; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3315**, Relating generally to readiness enhancement and commission bonuses; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3330**, Creating family court circuits and assigning the number of family court judges in each family court circuit to be elected in the 2024 election; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3331**, Relating generally to support staff in the family courts and magistrate courts of this state; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3332**, Creating judicial circuits and assigning the number of circuit judges in each circuit to be elected in the 2024 election; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3342**, Relating to cooperation between municipal and county economic development authorities; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3360**, Creating an office of the Inspector General within the Department of Homeland Security; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3369**, Creating a School Safety Unit within the Division of Protective Services; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3370**, Creating loan program for certain properties and developments on U. S. Army Corps of Engineers land, state parks and resorts; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**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 first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3439**, To limit the civil liability of child placing agencies that obtain an insurance policy in an amount not less than \$1 million per incident; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3443**, Relating to a development or improvement on land subject to review by the State Historic Preservation Office; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3464**, Relating to the transfer of certain revenues derived from lottery activities; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Delegate Foster then moved that the bill (H. B. 3464) be recommitted to the Committee on Finance.

Delegate Householder moved to table the motion.

On this question the yeas and nays were demanded, which demand was not sustained.

The question was then put and the motion to recommit the bill to the Committee on Finance was laid upon the table.

**H. B. 3509**, Making a supplementary appropriation to Miscellaneous Boards and Commissions, Public Service Commission – Consumer Advocate Fund; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3510**, Making a supplementary appropriation to the Department of Administration, Office of Technology – Chief Technology Officer Administration Fund; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3526**, Making a supplementary appropriation to Miscellaneous Boards and Commissions, Public Service Commission; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3527**, Supplementing and amending appropriations to Department of Education, School Building Authority; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3529**, Making a supplementary appropriation to the Department of Commerce, State Board of Rehabilitation – Division of Rehabilitation Services; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3559**, Relating to defining a newborn safety device; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3560**, Relating to expanding the definitions of land and recreational purposes; on first reading, coming up in regular order, was read a first time and ordered to second reading.



At 2:42 p.m., on motion of Delegate Kimble, the House of Delegates recessed until 5:00 p.m.

\* \* \* \* \*

### **Evening Session**

\* \* \* \* \*

The House of Delegates was called to order by the Honorable Paul Espinosa, Speaker Pro Tempore.

At the request of Delegate Kimble, and by unanimous consent, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

### **Committee Reports**

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

**H. B. 3480**, Enact the West Virginia Consumer Financial Privacy Act of 2023,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3480** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6O-1, §46A-6O-2, and §46A-6O-3, all relating to the enactment of the West Virginia Consumer Privacy Act of 2023; providing definitions; providing prohibitions on disclosures or sales of certain consumer financial information; providing for civil remedies; and providing for enforcement actions of the Attorney General,”

With the recommendation that the committee substitute do pass.

Mr. Speaker (Mr. Hanshaw), Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

**H. C. R. 4**, Jon D. Wayt Memorial Bridge,

**H. C. R. 9**, PFC Walter C. Horner Memorial Bridge,

**H. C. R. 10**, Shelby “Cubby” Foster and Robert “Robbie” Collins Memorial Road,

**H. C. R. 23**, U.S. Army SGT Theron Turner Memorial Bridge,

**H. C. R. 34**, William N. “Shug” Kisner Memorial Bridge,

**H. C. R. 40**, USMC Larry Allen “Crocky” Holstein, Jr. Memorial Bridge,

**H. C. R. 41**, U. S. Army PFC Herman H. Lucas Memorial Bridge,

**H. C. R. 42**, U. S. Army SSG William Joseph “Will” Thompson Memorial Bridge,

**H. C. R. 43**, U.S. Navy Quartermaster C.E. “Red” Landfried Memorial Bridge,

**H. C. R. 44**, U. S. Army PV2 Harold Richard Plumley Memorial Bridge,

**H. C. R. 45**, Lewis Joseph D'Antoni Memorial Road,

**H. C. R. 47**, U. S. Army SGT Walter Hedrick Memorial Bridge,

**H. C. R. 49**, U. S. Army 1SG Elmer C. Lofton Memorial Bridge,

And,

**H. C. R. 50**, U. S. Army PVT Leon 'Deacon' Stover Memorial Bridge,

And reports the same back with the recommendation that they each be adopted.

Delegate Statler Vice-Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

**H. B. 2992**, Clarifying and updating school bus rules and the types of vehicles covered,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2992** - “A Bill to amend and reenact §17C-1-7 of the Code of West Virginia, 1931, as amended, relating to clarifying and updating school bus rules and the types of vehicles covered in this statute,”

And,

**H. B. 3049**, To create the American Campuses Act,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3049** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-2D-1, relating to establishing the American Campuses Act; prohibiting foreign missions of Foreign Countries of Risk to state higher education institutions; prohibiting involvement with any Foreign Government-Sponsored Talent Recruitment Program of a Foreign Country of Risk; and setting forth reporting requirements for state institutions of higher education,”

With the recommendation that the committee substitutes each do pass.

On motion for leave, a bill was introduced (Originating in the Committee on Government Organization and reported with the recommendation that it do pass), which was read by its title, as follows:

**By Delegates Phillips, McGeehan, Chiarelli, Adkins and Longanacre:**

**H. B. 3561** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-16-1, §4-16-2, §4-16-3, §4-16-4, §4-16-5, §4-16-6, and §4-16-7, relating generally to creating the Joint Legislative Committee on Civic Life; creating the Institute for Civic Life; appointment of Board of Directors; filling of vacancies on Board of Directors; election of Board of Directors officers; and powers and duties of Board of Directors generally.”

On motion for leave, a bill was introduced (Originating in the Committee on Government Organization and reported with the recommendation that it do pass), which was read by its title, as follows:

**By Delegates Phillips, McGeehan, Crouse, Honaker, Dean, Heckert, Longanacre, Adkins and Brooks:**

**H. B. 3562** - “A Bill to amend and reenact §15A-12-1, §15A-12-2, §15A-12-3, §15A-12-4, §15A-12-5 and §15A-12-7 of the Code of West Virginia, 1931, as amended, all generally relating to clarifying security clearance and/or non-disclosure agreement requirements, the duties, functions, reporting requirements, prohibitions and restrictions applicable to the West Virginia Fusion Center and to add certain criminal penalties for violations of prohibitions and restrictions applicable to the West Virginia Fusion Center.”

Delegate Phillips, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 3203**, Relating generally to West Virginia Real Estate License Act,

And,

**H. B. 3451**, Updating the veteran preference ratings in state code for state employment,

And reports the same back with the recommendation that they each do pass.

Delegate Criss, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**H. B. 3371**, Relating to federal funds for land-grant institutions,

And reports the same back with the recommendation that it do pass.

Delegate Criss, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**H. B. 3133**, Create a credit against the severance tax to encourage private companies to make infrastructure improvements to highways, roads and bridges in this state,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3133** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, §11-13MM-3, §11-13MM-4, §11-13MM-5, §11-13MM-6, §11-13MM-7, §11-13MM-8, §11-13MM-9, §11-13MM-10 and §11-13MM-11, all relating to establishing a road or highway infrastructure improvement projects or coal production and processing facilities tax credit for taxpayers subject to the tax imposed by West Virginia code §11-13A-3; specifying a short title; specifying legislative findings and purpose for new credit; defining terms; specifying the amount of the credit, application of credit, and carry forward of unused credit; requiring filing of application for road or highway infrastructure improvement project credit as condition precedent to claiming credit, specifying procedure for application for certification, contents of application and limitation on maximum amount of credits which can be approved; specifying computation

of qualified investment in coal production and processing facilities; allowing transfer of credits to successors; providing for forfeiture of unused tax credits and redetermination of credit allowed; providing penalties for failure to maintain records of qualified property; and establishing an effective date,”

And,

**H. B. 3303**, Clarifying and expanding the powers and duties of the director of the Coalfield Community Development Office,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3303** - “A Bill to amend and reenact §5B-2A-4 and §5B-2A-5 of the Code of West Virginia, 1931, as amended, all relating to providing that the Governor appoint and set the salary of the director of the office; providing that funding for position and to carry out the duties of the office shall be as provided by appropriation of the Legislature; and clarifying and providing additional duties, powers, and responsibilities for the Office of Coalfield Community Development,”

With the recommendation that the committee substitutes each do pass.

Delegate Criss, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**H. B. 3135**, To modify the salaries of the Governor and Constitutional officers beginning January 1, 2025,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3135** - "A Bill to amend and reenact §6-7-2 of the Code of West Virginia, 1931, as amended, relating to increasing compensation of designated constitutional officers, including for the Governor, Attorney General, Auditor, Secretary of State, Commissioner of Agriculture, and State Treasurer,

beginning in the calendar year 2025, and for each calendar year after that,"

And,

**H. B. 3344**, To pay certain moral obligations of the state,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3344** - "A Bill finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof,"

With the recommendation that the committee substitutes each do pass.

### **Leaves of Absence**

At the request of Delegate Kimble, and by unanimous consent, leaves of absence for the day were granted Delegates Bridges, Horst, Hott, E. Pritt, Smith, Westfall and Williams.

### **Miscellaneous Business**

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

**H. B. 3049**: Delegate Dillon;

**H. B. 3354**: Delegate Steele;

And,

**H. C. R. 42**: Delegate Ridenour.

At 5:50 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, February 27, 2023.

---

Monday, February 27, 2023

**FORTY-EIGHTH DAY**

[DELEGATE HANSHAW, MR. SPEAKER, IN THE CHAIR]

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Saturday, February 25, 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 H. B. 3018, on Second Reading, Special Calendar, had been transferred to the House Calendar; and Com. Sub. for H. B. 2862 and H. B. 2878, on First Reading, House Calendar, had been transferred to the Special Calendar.

**Messages from the Executive  
and Other Communications**

A communication from His Excellency, the Governor, advised that on February 22, 2023, he approved **H. B. 2602**.

A communication from the Clerk of the Senate to His Excellency, the Governor, advised that Com. Sub. for S. B. 10 was presented to the Governor on February 24, 2023.

**Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of



**Com. Sub. for S. B. 150** - “A Bill making appropriations of public money out of the Treasury in accordance with section 51, article VI of the Constitution”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 268** - “A Bill to amend and reenact §5-16-2, §5-16-3, §5-16-4, §5-16-5, §5-16-7, §5-16-7b, §5-16-7c, §5-16-7g, §5-16-8, §5-16-9, §5-16-10, §5-16-11, §5-16-13, §5-16-14, §5-16-15, §5-16-16, §5-16-18, §5-16-23, §5-16-25, and §5-16-26 of the Code of West Virginia, 1931, as amended; to repeal §5-16-5b and §5-16-28 of said code; and to amend said code by adding thereto three new sections, designated §5-16-30, §5-16-31, and §5-16-32, all relating to the West Virginia Public Employees Insurance Act”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2023, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 423** - “A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-4-2 and §18A-4-8a of said code, all relating to increasing annual salaries of certain employees of the state; increasing the salaries of members of the West Virginia State Police and certain personnel thereof; increasing annual salaries of public school teachers; increasing annual salaries of school service personnel; and providing an effective date”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 462** - “A Bill to amend and reenact §17A-6A-3, §17A-6A-8a, §17A-6A-10, and §17A-6A-18 of the Code of West Virginia, 1931, as amended, all relating generally to new motor vehicle dealers, distributors, wholesalers, manufacturers, factory branches, and distributor branches; defining terms; clarifying a manufacturer’s obligations for warranty and recall reimbursement to a new motor vehicle dealer; restricting manufacturer and distributor right of first refusal; identifying and clarifying unlawful and prohibited practices; and clarifying statutory authority of dealer data systems vendor agreements”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2023, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 469** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-50, relating to providing funding for Cardiopulmonary Resuscitation Instruction Fund for instruction of public high school students”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 544** - “A Bill to amend and reenact §24-2-1 of the Code of West Virginia, 1931 as amended, relating to increasing the power purchase agreement (PPA) cap from 500 kW to 1,000 kW”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 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; providing exceptions; and requiring removal of booking photographs in certain instances”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 585** - “A Bill to amend and reenact §7-1-3 and §7-1-3ff of the Code of West Virginia, 1931, as amended, all relating to prohibiting county commissions from adopting any ordinance, rule, license requirement, or other authorization that exceeds state law, rule, or regulation regarding agricultural operations; revoking any ordinance, rule, or regulation previously adopted by county commissions that exceeds state law, rule, or regulation regarding agricultural operations; prohibiting county commissions from adopting any ordinance, rule, regulation, or other authorization that prohibits or alters permissible use of federal or state pesticides, herbicides, or insecticides; prohibiting county commissions from adopting ordinances that regulate dwellings or other buildings on agricultural land or operations; and requiring appointment of at-large member on county enforcement agency to have background or knowledge of agricultural operations”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 619** - “A Bill to amend and reenact §18-5-46 of the Code of West Virginia, 1931, as amended, relating to allowing teachers in public schools that include any one or more of grades kindergarten through 12 to teach intelligent design as a theory of

how the universe and/or humanity came to exist”; which was referred to the Committee on Education.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 625** - “A Bill to amend and reenact §18-8-1a of the Code of West Virginia, 1931, as amended, regarding certain transcripts or credentials of microschool programs to be accepted as record of student's previous performance for placement and credit assignment”; which was referred to the Committee on Education.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 665** - “A Bill to amend and reenact §30-37-2 and §30-37-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-37-13, all relating to licensure requirements; amending the required hours of coursework for therapist licensure; defining terms; requiring a license to operate a massage establishment; providing establishment license requirements; prohibiting certain acts; providing for massage establishment licensure renewal, suspension, and revocation; specifying exemptions; requiring certain establishment licensees to have continuing education; and providing emergency rule-making authority”; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 676** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,

designated §9-5-16b, relating to requiring a report on Medicaid fees for service and managed care provider reimbursements compared to PEIA, Medicare, and surrounding states”; which was referred to the Committee on Health and Human Resources.

### **Resolutions Introduced**

Resolutions were introduced and severally referred as follows:

**By Delegates Gearheart and Smith:**

**H. C. R. 56** – “Requesting the Division of Highways name Bridge Number: 28-034/01-002.89 (28A093), (37.34752, - 81.10763) locally known as the Willowbrook Bridge, carrying CR 34/01 over Brush Creek in Mercer County, the ‘George M. Hall Memorial Bridge’”; to the Committee on Technology and Infrastructure then Rules.

**By Delegates Howell, Clark, Cannon, Fehrenbacher, Nestor, Lucas and Skaff:**

**H. C. R. 57** – “Requesting the Department of Economic Development to create a plan of incentives to encourage small businesses in highly regulated states to relocate to West Virginia”; to the Committee on Economic Development and Tourism then Rules.

**By Delegates Jennings, Street, Storch, Barnhart, Reynolds, Cooper, Dittman, Smith, Jeffries, Tully and Hornby:**

**H. C. R. 58** – “Requesting the Division of Highways name Bridge Number: 39-051/00-000.13 (39A116), (39.34951, - 79.66801) locally known as Rowlesburg W-Beam, carrying CR 51 over Cheat River in Preston County, the ‘U. S. Army SSG Steven “Todd” Shay Memorial Bridge’”; to the Committee on Technology and Infrastructure then Rules.

**By Delegates Howell, A. Hall, Clark, Dillon, Petitto, Storch, Ferrell, Fehrenbacher, Cannon, Nestor and Lucas:**

**H. C. R. 59** – “Requesting the Joint Committee on Government and Finance to study the feasibility of providing seed money to fund a proposed program to establish a motorsport events welcome center and implement a program to promote motorsport events in

West Virginia; to the Committee on Economic Development and Tourism then Rules.

And,

**By Delegates Howell, Clark, Petitto, Dittman, Ferrell, Hornby, E. Pritt, Hanna, Cannon, Thorne and W. Hall:**

**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”; to the Committee on Economic Development and Tourism then Rules.

### **Motions**

Delegate Dean asked and obtained unanimous consent to be removed as a cosponsor of Com. Sub. for H. B. 3095.

Delegate Lucas asked and obtained unanimous consent to be added as a cosponsor of H. B. 3203.

Delegate Ridenour asked and obtained unanimous consent to be added as a cosponsor of Com. Sub. for H. B. 2953.

### **Special Calendar**

#### **Unfinished Business**

The following resolutions, on unfinished business, were, in the absence of objection, considered en masse, and adopted:

**H. C. R. 4**, U. S. Army MSG Jon D. Wayt Memorial Bridge,

**H. C. R. 9**, U. S. Army PFC Walter C. Horner Memorial Bridge,

**H. C. R. 10**, Shelby “Cubby” Foster and Robert “Robbie” Collins Memorial Road,

**H. C. R. 23**, U.S. Army SGT Theron Turner Memorial Bridge,

**H. C. R. 34**, William N. “Shug” Kisner Memorial Bridge,

**H. C. R. 41**, U. S. Army PFC Herman H. Lucas Memorial Bridge,

**H. C. R. 42**, U. S. Army SSG William Joseph “Will” Thompson Memorial Bridge,

**H. C. R. 43**, U.S. Navy Quartermaster C.E. “Red” Landfried Memorial Bridge,

**H. C. R. 45**, Lewis Joseph D’Antoni Memorial Road,

**H. C. R. 47**, U. S. Army SGT Walter Hedrick Memorial Bridge,

**H. C. R. 49**, U. S. Army 1SG Elmer C. Lofton Memorial Bridge,

And,

**H. C. R. 50**, U. S. Army PVT Leon ‘Deacon’ Stover Memorial Bridge.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates. and request concurrence therein.

**H. C. R. 40**, USMC Larry Allen “Crocky” Holstein, Jr. Memorial Bridge; on unfinished business, was reported by the Clerk.

On motion of Delegates Toney and Cannon, the resolution was amended on page 1, line 3 following the word “USMC” by inserting “Corporal”.

And,

On page 2, line 9 following the word “USMC” by inserting “Corporal”.

And,

On page 2, line 12 following the word “USMC” by inserting “Corporal”.

The resolution, as amended, was then adopted.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. C. R. 44**, U. S. Army PV2 Harold Richard Plumley Memorial Bridge; on unfinished business, was reported by the Clerk.

On the question of adoption of the resolution, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 287**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Ward.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution adopted.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates. and request concurrence therein.

### **Third Reading**

**Com. Sub. for H. B. 2026**, Authorizing municipalities with police or firefighter employees in PERS to elect to become participating employer in Municipal Police Officer and Firefighter Retirement System for a limited time; 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. 288**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:



Absent and Not Voting: Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2026) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 2122**, Relating to custodial interrogation of a child; 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. 289**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Clark and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2122) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 2305**, Relating to titling and registration of foreign market vehicles; 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. 290**), 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: Vance.

Absent and Not Voting: Clark, Pushkin and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2305) passed.

On motion of Delegate Phillips, the title of the bill was amended to read as follows:

**Com. Sub. for H. B. 2305** – “A Bill to amend and reenact §17A-1-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §17A-3A-3 of said code; and to amend and reenact §17C-16-4 of said code, all relating to foreign market vehicles at least 25 years old; defining a term; allowing foreign market vehicles at least 25 years old to be exempted from certain title requirements; providing that foreign market vehicles may be registered upon application and the payment of fees, including an additional fee; exempting foreign market vehicles that are at least 25 years old and titled in this state from safety-inspection requirements.”

*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. 2860**, To dispose of old AFFF foam accumulated by fire departments; 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. 291**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Clark and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2860) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 2900**, Relating to the Deputy Sheriff 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. 292**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: C. Pritt and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2900) passed.

On motion of Delegate Criss, the title of the bill was amended to read as follows:

**Com. Sub. for H. B. 2900** - “A Bill to amend and reenact §7-14D-24a of the Code of West Virginia, 1931, as amended, relating to the Deputy Sheriff Retirement System; allowing certain retired members to be re-employed without the suspension of annuity benefits; and setting forth conditions for the re-employment of retired members.”

Delegate Householder moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 293**), 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: Hornbuckle, C. Pritt 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. 2900) 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. 3042**, Relating to forbidding excessive government limitations on exercise of religion; on third reading, coming up in regular order with amendments pending was reported by the Clerk.

Delegate Pushkin moved to amend the bill on page 2, section 1, line 22, following the period, by inserting a new subsection (d) to read as follows:

“(c) The provisions of this section do not apply to any federal, state or local non-discrimination law or ordinance.”

On the adoption of the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 294**), and there were—yeas 11, nays 83, absent and not voting 6, with the yeas and the absent and not voting being as follows:

Yeas: Fluharty, Garcia, Griffith, Hansen, Hornbuckle, E. Pritt, Pushkin, Rowe, Scaff, Walker and Williams.

Absent and Not Voting: Nestor, C. Pritt, Steele, Street, Ward and Young.

So, a majority of the members present not having voted in the affirmative, the amendment was rejected.

Delegate Pushkin moved to amend the bill on page 2, Section 1, line 22, following the period, by inserting a new subsection to read as follows:

“(c) Notwithstanding any provision of this section to the contrary, a local law or ordinance may be enacted by any political subdivision of this state to require any person providing any public service or accommodation that refuses to provide a service or accommodation to any member of the public based on him or her exercising his or her religious beliefs, to require that person post a sign of sufficient size and in a location visible to the public at the location where the service or accommodation is being provided, to notify members of the public that he or she will be refused service

or accommodation based on the religious beliefs of the person providing that service or accommodation: *Provided*, That any penalty established for failure to post such sign may not exceed \$200.00 for each violation.”

The question before the House being the adoption of the amendment, the same was put and did not prevail.

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 295**), and there were—yeas 86, nays 12, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Fluharty, Garcia, Griffith, Hansen, Hornbuckle, E. Pritt, Pushkin, Rowe, Scaff, Walker, Williams and Young.

Absent and Not Voting: C. Pritt and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3042) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3095**, Creating special revenue account known as School Building Authority Agricultural, Vocational and Technical Training Facilities Grant Fund; on third reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Householder, and by unanimous consent, the bill was postponed one day.

**Com. Sub. for H. B. 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 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. 296**), 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: Longanacre, C. Pritt, E. Pritt and Ward.

So, a majority of the members present 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 and request concurrence therein.

**Com. Sub. for H. B. 3232**, Regulation of Sports Wagering; 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. 297**), and there were—yeas 92, nays 5, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Dillon, Foggin, Street and Vance.

Absent and Not Voting: A. Hall, C. Pritt and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3232) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 3244**, Relating to Municipal Pensions Oversight Board proposing 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. 298**), and there were—yeas 98, nays none,

absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: C. Pritt and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3244) passed.

Delegate Householder moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 299**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: C. Pritt 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. 3244) 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. 3254**, Establishing the Hershel “Woody” Williams State Military Funeral Honor Guard; 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. 300**), 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: C. Pritt, Ward and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3254) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3271**, Relating to increasing monitoring of special education classrooms; 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. 301**), 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: Foggin.

Absent and Not Voting: C. Pritt, Ward and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3271) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3280**, Authorizing adjustment from federal adjusted gross income for certain law enforcement pension benefit payments; 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. 302**), 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: C. Pritt, Ward and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3280) passed.



*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 3299**, Relating to Natural Resource Police Officer Retirement; 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. 303**), 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: C. Pritt, Ward and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3299) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

**Com. Sub. For H. B. 3299** – “A Bill to amend and reenact §20-18-5, and §20-18-6 of the Code of West Virginia, 1931, as amended; all relating to Natural Resource Police Officer Retirement System; authorizing the acceptance of gifts and additional contributions; and authorizing transfer of service credit under certain circumstances.”

*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. 3363**, Law Enforcement Officers Safety Act; 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. 304**), 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: C. Pritt, Ward and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3363) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 3364**, Requiring the closure of certain municipal policemen's and firemen's pension and relief funds as condition of issuance of pension funding revenue bonds; 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. 305**), 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: C. Pritt, Ward and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3364) passed.

Delegate Householder moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 306**), 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, C. Pritt, Ward, Westfall and Zatezalo.

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. 3364) takes effect from its passage.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

**H. B. 3432**, Relating to statutory construction; 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. 307**), 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, C. Pritt, Ward, Westfall and Zatezalo.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3432) passed.

Delegate Householder moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 308**), 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, C. Pritt, Ward, Westfall 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. 3432) 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. 3445**, Relating generally to probation and parole; 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. 309**), and there were—yeas 92, nays 5, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Dillon, Gearheart, Keaton and Martin.

Absent and Not Voting: C. Pritt, Ward and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3445) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 3519**, Making a supplementary appropriation to the Department of Transportation, Division of Motor Vehicles; 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. 310**), and there were—yeas 91, nays 1, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Longanacre.

Absent and Not Voting: Foggin, Garcia, Kirby, C. Pritt, Ross, Steele, Ward and Westfall.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3519) passed.

Delegate Householder moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 311**), 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: Foggin, Garcia, Kirby, C. Pritt, Ross, Steele, Ward and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3519) 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. 3520**, Making a supplementary appropriation to the Department of Education, State Board of Education – Vocational Division; 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. 312**), 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: Garcia, Kirby, C. Pritt, Ward and Westfall.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3520) passed.

Delegate Householder moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 313**), 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, Kirby, C. Pritt 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. 3520) 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. 3521**, Making a supplementary appropriation to the Division of Health – Maternal and Child 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. 314**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Longanacre.

Absent and Not Voting: Garcia, Kirby, C. 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 (H. B. 3521) passed.

Delegate Householder moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 315**), 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, Kirby, C. Pritt 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. 3521) 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. 3522**, Making a supplementary appropriation to the Department of Commerce, Division of Natural Resources – License Fund – Wildlife 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. 316**), 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: Kirby, C. 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 (H. B. 3522) passed.

Delegate Householder moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 317**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: C. Pritt 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. 3522) 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. 3523**, Making a supplementary appropriation to Miscellaneous Boards and Commissions, Economic Development Authority; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 318**), and there were—yeas 85, nays 13, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Brooks, Butler, Coop-Gonzalez, Dillon, Foster, A. Hall, Horst, Kimble, Kirby, Longanacre, Ridenour, Thorne and Vance.

Absent and Not Voting: C. 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 (H. B. 3523) passed.

Delegate Householder moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 319**), and there were—yeas 89, nays 9, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Adkins, Brooks, Coop-Gonzalez, Dillon, A. Hall, Horst, Kimble, Kirby and Vance.

Absent and Not Voting: C. Pritt 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. 3523) 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. 3528**, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations; 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. 320**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Foster, Linville and Vance.

Absent and Not Voting: C. 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 (H. B. 3528) passed.

Delegate Householder moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 321**), and there were—yeas 94, nays 3, absent and not voting 3, with the nays and the absent and not voting being as follows:



Nays: Dillon, Linville and Vance.

Absent and Not Voting: Mallow, C. Pritt 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. 3528) 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. 3554**, Relating to prohibiting a municipality or the governing body of any municipality from limiting rental of a property; 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.

At 2:17 p.m., on motion of Delegate Householder, the House of Delegates recessed until 5:30 p.m.

\* \* \* \* \*

### **Evening Session**

\* \* \* \* \*

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

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:

**Com. Sub. for H. C. R. 31**, Permitting the West Virginia Department of Tourism to proceed with procuring bids/interest in companies to place a lodge on the property of Beech Fork Lake,

**H. R. 11**, Reaffirming the longstanding sisterhood partnership between West Virginia and Taiwan,

And,

**H. R. 17**, Urging the West Virginia Geologic and Economic Survey to work with groups to evaluate policy options to encourage the capture and beneficial use of coal mine methane,

And reports the same back with the recommendation that they each be adopted.

At the respective requests of Delegate Householder, and by unanimous consent, H. R. 11 was taken up for immediate consideration, and adopted.

Delegate Phillips, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**Com. Sub. for S. B. 270**, Adding exemption to permit requirement for cremation,

**Com. Sub. for S. B. 300**, Relating to law-enforcement training and certification,

**S. B. 481**, Extending sunset provision of Upper Kanawha Valley Resiliency and Revitalization Program,

And,

**S. B. 553**, Allowing for evaluation of prequalified bidders to be based on best value,

And reports the same back with the recommendation that they each do pass.

Delegate Criss, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**H. B. 3153**, Relating to distribution of certain taxes and surcharges to benefit volunteer and part-volunteer fire departments and emergency medical services providers,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3153** – “A Bill to amend and reenact §16-4C-24 of the Code of West Virginia, 1931, as amended; to amend and reenact §29-3E-7 of said code to amend and reenact §33-3-14d and §33-3-33 of said code; and to amend and reenact §33-12C-7 of said code, all relating to certain taxes and surcharges to benefit certain emergency service providers; defining terms; providing method of allocation and distribution for proceeds of fireworks safety fee deposited in Fire Protection Fund; increasing surcharge on fire and casualty policies; providing method of allocation of policy surcharge; requiring the State Fire Marshal provide certain information to the State Treasurer; increasing tax on surplus lines policies; providing method of allocation of surplus lines policy tax; and providing requirements for distribution of funds in Fire Protection Fund,”

With the recommendation that the committee substitute do pass.

At the respective requests of Delegate Householder, and by unanimous consent, the bill (Com. Sub. for H. B. 3153) 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. 136**, Requiring persons convicted of certain offenses to undergo psychological or psychiatric testing and have treatment plan to be eligible for probation,

**Com. Sub. for S. B. 208**, Relating to criminal justice training for all law-enforcement and correction officers regarding individuals with autism spectrum disorders,

And,

**S. B. 276**, Awarding service weapon of retiring State Fire Marshal,

And reports the same back with the recommendation that they each do pass.

Delegate Clark asked and obtained unanimous consent to be added as a cosponsor of Com. Sub. for H. B. 2953.

Delegate Linville asked and obtained unanimous consent to be added as a cosponsor of Com. Sub. for H. B. 3480.

### **Special Calendar**

#### **-Continued-**

#### **Second Reading**

**Com. Sub. for H. B. 2814**, To create a Hydrogen power task force; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2875**, Clarifying that Circuit Court Judges have the ability/authority to waive the requirement that a party pass a home study performed by the DHHR; on second reading, coming up in regular order, was read a second time.

On motion Delegate Burkhammer, the bill was amended on page 2, section 114, line 21, immediately following the word “parents” by striking the new language and inserting in lieu thereof the following:

“A circuit judge may determine the placement of a child for adoption by a grandparent or grandparents is in the best interest of the child without the grandparent or grandparents completing or passing a home study evaluation.”

The bill was then ordered to engrossment and third reading.

**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; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 2910**, Making a supplementary appropriation to the Department of Administration, Public Defender Services; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**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; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 2953**, Creating the Commission on Cost-of-Living Adjustments; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 2989**, Relating to increasing the number of out-of-state medical students receiving in-state tuition rates who agree to practice for a specific time within West Virginia; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3035**, Relating generally to high-quality education programs and school operations; on second reading, coming up in regular order, was read a second time.

Delegates Ellington, Jennings, Statler, Toney, Hornby, Clark, Mazzocchi, Thorne and Ferrell moved to amend the bill on page 1, after the enacting clause by striking out the remainder of the committee substitute and inserting, in lieu thereof, the following:

**“CHAPTER 18. EDUCATION.**

**ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.**

**§18-2E-10. ~~Transformative system of support for early literacy~~ Multi-tiered system of support intervention for grade level literacy and numeracy by the end of the third grade; screener and/or benchmark assessments; pre-service and in-service teacher training; notice to parent or guardian; third grade retention policy with exceptions; interventions continuing in fourth grade for students below proficient.**

(a) The Legislature finds that:

(1) In the early learning years, ensuring that each student masters the content and skills needed for mastery at the next grade level is critically important for student success;

(2) Students who do not demonstrate grade-level proficiency in reading and mathematics by the end of third grade become increasingly less likely to succeed at each successive grade level and often drop out of school prior to graduation;

(3) State board policy requires every school to establish a process for ensuring the developmental and academic progress of all students. This process is to be coordinated by a school student assistance team that reviews student developmental and academic needs that have persisted despite being addressed through instruction, intervention, and as applicable, supports for personalized learning. Ensuring the developmental and academic success of all students requires every school to implement, in an equitable manner, programs during and after the instructional day at the appropriate instructional levels that contribute to the success of students; and

(4) To ensure that all students read and perform mathematics proficiently by the end of third grade, a statewide comprehensive approach to early literacy and numeracy is required. This approach shall focus on intensive supports during the early learning years which include schools and engaged communities mobilized to remove barriers, expand opportunities, and assist parents in fulfilling their roles and responsibilities to serve as full partners in the success of their children.

(b) The state board shall, in accordance with ~~the provisions of article three-b, chapter twenty-nine-a~~ §29A-3B-1 et seq. of this code, promulgate legislative rules as necessary to effectuate the provisions of this section. The rules shall provide for at least the following:

(1) Development of a statewide comprehensive, systemic approach to close the reading and mathematics achievement ~~gap~~ gaps by the end of the third grade utilizing instructional materials and methods for reading that are based upon the science of reading instruction (phonics, phonemic awareness, vocabulary, fluency, and comprehension). The comprehensive, systemic approach also shall ~~which targets~~ target school readiness, the attendance gap, summer learning loss and ~~a transformative intervention framework for student and learning supports~~ implement a multi-tiered system of support intervention framework as set forth in this section;

(2) Ensuring all West Virginia children have access to high quality early learning experiences that focus on healthy learners as part of the school readiness model, resulting in increased populations of children on target for healthy development prior to entering first grade;

(3) Closing the attendance gap to certify West Virginia children attend school regularly and limit chronic absenteeism in the early grades;

(4) Assisting county boards in establishing and operating a multi-tiered system of support intervention that includes targeted, sustained extended day and extended year reading and mathematics

programs to ensure grade level proficiency and battle summer learning loss;

(c) The multi-tiered system of support intervention framework provided in the state board's best practice document shall include the identification and monitoring of the progress of students in grades pre-kindergarten through three toward achieving grade level proficiency in English language arts and mathematics which shall consist of at least the following:

(1) The use of screener assessments in grades kindergarten through two and benchmark assessments in grade three that are statistically valid and reliable to identify students with substantial reading and numeracy deficiencies. The State Board shall adopt an approved list of not more than three screener assessments for school district use for screening and monitoring student progress. In determining which screener assessments to approve for use by school districts, the Department shall also consider, at a minimum, the following factors:

(A) The time required to conduct the assessment, with the intention of minimizing the impact on instructional time;

(B) The timeliness in reporting assessment results to teachers, administrators, and parents; and

(C) The integration of assessment and instruction the system provides.

(2) The state board shall develop a best practice document that:

(A) Includes a comprehensive list of no more than three approved screener assessments that allow teachers to target instruction based on student needs. In addition, benchmark assessments for grade three shall also be included in the comprehensive list, ensuring that they are aligned to standards. Should the grade three student not perform at a satisfactory level, then the student may be screened for any exceptionalities that may be impacting their learning. The spring assessment in the third grade shall be the standardized comprehensive statewide student



assessment program aligned to the core curricular content adopted by the State Board; and

(B) Provides reading assessments in all grade levels that measure, at a minimum, phonics, phonemic awareness, vocabulary, fluency and comprehension and shall identify students who have a reading deficiency and students with characteristics of dyslexia.

(3) The State Board shall establish the cut scores for each screener for grade levels kindergarten-two. Additionally, the State Board shall establish the cut scores for benchmark assessments utilized but not limited to third grade to define the score used to identify students with a substantial deficiency in reading or numeracy for each data collection point during the school term.

(4) Students exhibiting a substantial deficiency in reading or numeracy through a screener or benchmark assessment shall receive:

(A) Intensive instruction and intervention immediately following the identification that is targeted at the deficiency or deficiencies identified by the screener or benchmark assessment;

(B) A personalized learning plan outlining goals, methods for monitoring progress, and additional instructional services and interventions needed to address the deficiency or deficiencies; and

(C) In the case of reading deficiencies, instructional materials and methods that utilize the science of reading (phonics, phonemic awareness, vocabulary, fluency and comprehension).

(5) Students who continue to exhibit a substantial deficiency in reading or numeracy after intensive instruction and intervention for more than three grading periods shall be referred to the school's student assistance team to examine additional options for the student. Students may be referred to the school's student assistance team earlier if deemed appropriate by the request of either the teacher or the student's parent or guardian.

(d) The document addressing multi-tiered system of support intervention framework also shall include maximizing family engagement to result in the development of a culture of literacy and numeracy from birth through third grade which shall at least include:

(1) Ensuring the parent or guardian is informed of and has access to resources that they may utilize to improve their child's literacy and numeracy skills;

(2) Ensuring the parent or guardian is informed of the importance of grade level literacy and numeracy by the end of the third grade and the measures that will be employed pursuant to this section to improve the literacy and numeracy skills of children who are not meeting the standards, as well as the grade three retention policy and the exceptions; and

(3) Immediately upon the determination of a substantial reading and/or numeracy deficiency through the use of screener and/or benchmark assessments as provided in subsection (c) of this section, the student's parent or guardian shall be notified in writing of the following:

(A) That the student has been identified as having a substantial deficiency in reading and/or numeracy;

(B) A description of the intensive instruction and intervention that will be provided to the student;

(C) A description of the personalized learning plan for the student outlining goals, methods for monitoring progress, and additional instructional services and interventions needed to address the deficiency or deficiencies;

(D) Strategies for the parent or guardian to use at home to help their child succeed in reading and/or mathematics; and

(E) That if the child's reading and/or mathematics deficiency is not corrected by the end of grade three, the child may not be promoted to grade four unless an exemption is met.

(6) (e) The multi-tiered system of support intervention framework also shall include supporting high quality schools and a high quality educator workforce prepared to address early literacy and numeracy identification of interventions, and implementation of a system of intervention for children not reaching grade level proficiency including, but not limited to, professional learning for teachers and early childhood classroom assistant teachers as appropriate, on the following:

(1) The administration and use of state board approved screener and benchmark assessments to ensure teachers have the knowledge and skills to administer the assessments and use the data to inform instruction based on student needs;

(2) Comprehensive training on the science of reading and numeracy instruction to ensure all teachers have the knowledge and skill to teach all students to read and perform mathematics at grade level, including students with dyslexia and dyscalculia. The comprehensive training on the science of reading shall include explicit and systematic instruction in phonics, phonemic awareness, vocabulary, fluency, comprehension, and building content knowledge, to ensure all teachers have the knowledge and skill to teach all students to read, including students with dyslexia; and

(3) Job-embedded, on-site teacher training on evidence-based reading and numeracy instruction and data-based decision making that provides immediate feedback for improving instruction including job-embedded coaching support for K-3 reading teachers.

(7) (f) The multi-tiered system of support intervention framework also shall include ensuring the employment of qualified teachers and service personnel in accordance with the provisions of section thirty nine, article five of this chapter and section seven-e, article four, chapter eighteen-a §18-5-39 and §18A-4-7c of this code to provide instruction to students enrolled in early literacy support programs childhood grades including, but not limited to, ensuring that educator preparation programs prepare candidates

seeking licensure for elementary education with training and instruction to:

(1) Understand the science of reading and numeracy instruction to ensure all teachers have the knowledge and skill to teach all students to read and perform mathematics at grade level. The training on the science of reading shall include explicit and systematic instruction in phonics, phonemic awareness, vocabulary, fluency, comprehension, and building content knowledge, to ensure all teachers have the knowledge and skill to teach all students to read, including students with dyslexia;

(2) Effectively teach foundational reading and mathematics skills and implement reading instruction using high-quality instructional materials;

(3) The administration and use of state board approved screener and benchmark assessments to ensure teachers have the knowledge and skills to administer the assessments and use the data to inform instruction based on student needs;

(4) Provide effective instruction and interventions for students with reading and math deficiencies, including students with characteristics of dyslexia or dyscalculia; and

(5) Understand and use student data to make instructional decisions.

(4) (g) The multi-tiered system of support intervention framework also shall include:

(1) Creating a formula or grant-based program for the distribution of funds appropriated specifically for the purposes of this section or otherwise available for the support of a targeted, multi-tiered system of support intervention comprehensive system of support for early literacy and numeracy including:

(9) (A) Providing support for transportation and healthy foods for students required to attend after-school and extended year early literacy and numeracy instructional support programs and

supervision at the school that accommodates the typical work schedules of parents; and

(10) (B) Receiving from county boards any applications and annual reports required by rule of the state board.

~~(e) (h)~~ A student in grades kindergarten through three ~~who is recommended by the student assistance team or the student's classroom teacher for additional assistance in one or more of the key standards of English Language Arts including reading, speaking and listening, writing or language~~ may be required to attend an extended year early literacy and numeracy instructional support program as a condition for promotion if:

(1) The student has been provided additional academic help through the multi-tiered system of support intervention which may include an in-school or after-school early literacy and numeracy instructional support program and, prior to the end of the school year, the student assistance team or the student's classroom teacher recommends that further additional academic help is needed for the student to be successful at the next grade level; and

(2) The county board has established ~~an~~ a multi-tiered system of support intervention for early literacy and numeracy ~~instructional support program~~ during the extended year for the student's grade level.

~~(d) (i)~~ County boards shall provide high-quality educational facilities, equipment, and services to support a multi-tiered system of support intervention for early literacy and numeracy instructional support programs established pursuant to this section. Extended year programs may be provided at a central location for kindergarten through third graders who qualify for the program.

~~(e) (j)~~ This section may not be construed to prohibit a classroom teacher from recommending the grade level retention of a student in any of the grade's pre-kindergarten through grade three based upon the student's lack of mastery of the subject matter and preparation for the subject matter at the next grade level. In addition to comprehensive materials including report cards,

personalized learning plans with goals for individual students, and classroom work-samples, data from the screener and benchmark assessments may also be used to inform the classroom teacher's recommendation.

(f) (k) This section may not be construed to affect the individualized education plans of exceptional students.

(g) (l) This section may not be construed to limit the authority of the county board to establish an extended year program in accordance with ~~section thirty nine, article five of this chapter §18-5-39 of this code.~~ County boards may not charge tuition for enrollment in early literacy and numeracy instructional support programs established pursuant to this section.

(h) (m) Each county board shall ~~prepare to~~ implement the provisions of this section and the provisions of the state board rule required by subsection (b) of this section. ~~The preparations shall at least include planning, ensuring~~ The county board shall establish a process for ensuring the developmental and academic progress of all students through the auspices of student assistance teams as currently required by state board policy and ~~performing~~ perform a needs assessment to determine the potential capacity requirements for the system of support for early learners.

(i) (n) The state board shall provide a report describing the ~~proposed implementation of the transformative system of support~~ multi-tiered system of support intervention for early literacy and numeracy to the Legislative Oversight Commission on Education Accountability on or before ~~July 1, 2014~~ July 1, 2023.

(j) (o) The state board shall provide a comprehensive report regarding the status of the ~~transformative system of support~~ multi-tiered system of support intervention for early literacy and numeracy to the Legislative Oversight Commission on Education Accountability, the Joint Committee on Government and Finance, and the Governor on ~~November 1, 2014~~ November 1, 2023, and annually on November 1 on each year thereafter. The report shall address, at a minimum, the progress of the program throughout the state, its effect on student achievement and the sources of the

funding both available to and used by the program. If the state board determines that additional funds are needed beginning in the 2024-2025 school year to complete implementation of the multi-tiered approach addressing literacy and numeracy initiative, they shall submit a written request for additional funding to the Legislative Oversight Commission on Education Accountability and the Committee on Government and Finance in its November 1, 2023 report.

~~(k)~~ (p) The State Department of Education Early Literacy Program and Math Program shall be used for the implementation of the provisions of this section along with other funds available for providing a high-quality education. The provisions of this section are subject to the availability of funds from legislative appropriation or other sources specifically designated for the purposes of this section. If a county board determines that adequate funds are not available for full implementation of a transformative system of support for early literacy in the county, the county board may implement its program in phases by first establishing early literacy instructional support programs in the early readiness grades (Kindergarten), then the primary grades (Grades 1-2), and then establishing an early literacy instructional support program for the third grade once the county board determines that adequate funds are available.

(q) Effective for the school year beginning July 1, 2026, and thereafter, a public school student who generally demonstrates a minimal understanding of, and ability to apply, grade level English language arts or mathematics knowledge, skills and abilities, or both, relative to the West Virginia College and Career Readiness Standards at the end of the third grade shall, upon the recommendation of the teacher and the student assistance team, be retained in the third grade for the ensuing school year subject to the following exceptions:

(1) A student identified as an English language learner who has had less than three years instruction in English as a second language;

(2) A student with disabilities who participates in the statewide summative assessment, or alternative standardized assessment, has an Individual Education Plan or section 504 plan that reflects that the student has received intensive intervention for more than two years and still demonstrates a deficiency and who was previously retained in any of the grades pre-kindergarten through three;

(3) A student who is in the process of a special education referral or evaluation for placement in special education, has been diagnosed as having a significant impairment, including dyslexia or dyscalculia, or is a child with a disability if the student's individualized education program team and the student's parent or guardian agree that promotion is appropriate based on the student's Individualized Education Plan;

(4) A student who has received intensive intervention for two or more years, still demonstrates a deficiency and who was previously retained in any of the grades pre-kindergarten through three for a total of two years: *Provided*, That the student shall continue to receive intensive intervention in grade four;

(5) A student who demonstrates an acceptable level of performance on an alternative standardized assessment approved by the State Board;

(6) A student who attends an extended year learning program following the third grade and has attained proficiency; or

(7) The parent or guardian of a student requests promotion of their child to the fourth grade notwithstanding the recommendation of the teacher and the student assistance team: *Provided*, That the child is encouraged to attend an extended year program prior to promotion to the fourth grade.

(r) Beginning in fourth grade, students who score below proficient in English language arts or mathematics on the standardized comprehensive Statewide Student Assessment Program assessment aligned to the core curricular content adopted by the State Board shall continue to be provided targeted and intensive intervention through a multi-tiered system of support



until the student demonstrates grade level proficiency in English language arts and mathematics on the West Virginia General Summative Assessment.

**§18-2E-13. Grow Your Own West Virginia Pathway to Teaching Pilot Program.**

(a) *Definitions.* – As used in this section, unless used in a context that clearly requires a different meaning, the term:

"Applicant" means a county school district or a public charter school, established in accordance with the provisions of §18-5G-1 et. seq. of this code, acting in partnership with an eligible institution;

"Candidate" means a student enrolled in a public school or post-secondary institution of higher learning in West Virginia; and

"Eligible institution" means a state institution of higher education as that term is defined in §18B-1-2 of this code.

(b) *Grow Your Own West Virginia Pathway to Teaching Pilot Program established.* – In conjunction with the state board and under the supervision of the Department of Education, the state superintendent shall establish a three-year pilot program whereby applicants shall offer a pathway to facilitate a career path for candidates to pursue a career in education with progression from high school to postsecondary degree with classroom experience and employment. Program opportunities include, but are not limited to:

(1) Dual credit pathways that allow a candidate to obtain his or her education degree after three years at an eligible institution;

(2) Apprenticeship opportunities through the United States Department of Labor that provide a candidate paid field experience;

(3) Residency as the teacher of record during the candidate's last year at an eligible institution; and

(4) Preferential hiring status.

(c) Funding. – From appropriations to the department for the purposes of implementing and administering the program, the department shall award funds to applicants from such appropriations in accordance with the program rules established pursuant to subsection (d) of this section.

(d) Rulemaking. – The state board shall promulgate legislative rules pursuant to §29A-3B-1 et seq. of this code to implement the provisions of this section.

(e) Annual reports. – By December 1, 2024, and annually thereafter for the duration of the pilot program, the state superintendent shall report to the Legislative Oversight Commission on Education Accountability on:

(1) The number of students participating in the program;

(2) The number and type of credits and certifications or credentials earned by students who have participated in the program;

(3) The dollar amount expended associated with the program;

(4) Projected growth in the program and funding needs for the next year;

(5) The job status of students who have participated in the program;

(6) Any issues with the program reported by students, parents, and applicants; how these issues are being addressed; and whether the issues require legislative action; and

(7) A recommendation from the state superintendent on whether the program should continue beyond its three-year pilot period.

**ARTICLE 5. COUNTY BOARD OF EDUCATION.**

**§18-5-18a. Maximum teacher-pupil ratio.**

(a) County boards of education shall provide sufficient personnel, equipment, and facilities as will ensure that each ~~first through sixth grade~~ classroom, or classrooms having two or more grades that include one or more of the ~~first pre-kindergarten through sixth grades~~ shall not have more ~~than 25~~ pupils for each teacher of the grade or grades and shall not have more than 20 pupils for each kindergarten teacher per session as follows, unless the state superintendent has excepted a specific classroom upon application therefor by a county board as provided in this section:

(1) For pre-kindergarten, not more than 20 pupils for each teacher and one early childhood classroom assistant teacher;

(2) For kindergarten, not more than 20 pupils for each teacher and one early childhood classroom assistant teacher in classrooms with more than 10 pupils;

(3) For first, second and third grades, not more than 25 pupils for each teacher;

(4) For the school year beginning July 1, 2026, for first, second and third grades, not more than 25 pupils for each teacher and, in classrooms with more than 12 pupils, one early childhood classroom assistant teacher or other more highly credentialed professional, interventionist, or paraprofessional employee. When implementing these limits from funding allocated through the Public School Support Program in accordance with §18-9A-1 *et seq.* of this code, county boards have the discretion to add the assistant teachers or employees in schools or classrooms of the greatest need; and

(5) For grades four, five and six, not more than 25 pupils for each teacher.

(b) County school boards may not maintain a greater number of classrooms having two or more grades that include one or more of the grade levels referred to in this section than were in existence in said county as of January 1, 1983.

(c) The state superintendent is authorized, consistent with sound educational policy, to:

(1) Permit on a statewide basis, in grades four through six, more than 25 pupils per teacher in a classroom for the purposes of instruction in physical education; and

(2) Permit more than 20 pupils per teacher in a specific kindergarten classroom and 25 pupils per teacher in a specific classroom in grades four through six during a school year in the event of extraordinary circumstances as determined by the state superintendent after application by a county board of education.

(d) The state board shall establish guidelines for the exceptions authorized in this section, but in no event shall the superintendent except classrooms having more than three pupils above the pupil-teacher ratio as set forth in this section.

(e) The requirement for approval of an exception to exceed the 20 pupils per kindergarten teacher per session limit or the 25 pupils per teacher limit in grades ~~one~~ four through six is waived in schools where the schoolwide pupil-teacher ratio is 25 or less in grades ~~one~~ four through six: *Provided*, That a teacher shall not have more than three pupils above the teacher/pupil ratio as set forth in this section. Any kindergarten teacher who has more than 20 pupils per session and any classroom teacher of grades ~~one~~ four through six who has more than 25 pupils, shall be paid additional compensation based on the affected classroom teacher's average daily salary divided by 20 for kindergarten teachers, or 25 for teachers of grades ~~one~~ four through six, for every day times the number of additional pupils enrolled up to the maximum pupils permitted in the teacher's classroom. All such additional compensation shall be paid from county funds exclusively.

Notwithstanding any other provision of this section to the contrary, ~~commencing with the school year beginning on July 1, 1994, a teacher in grades one, two or three or classrooms having two or more such grade levels, shall not have more than two pupils above the teacher/pupil ratio as set forth in this section: *Provided*, That commencing with the school year beginning on July 1, 1995, such teacher shall not have more than one pupil above the teacher/pupil ratio as set forth in this section: *Provided, however*, That commencing with the school year beginning on July 1, 1996,~~

~~such teacher~~ shall not have any pupils above the teacher/pupil ratio as set forth in this section.

(f) No provision of this section is intended to limit the number of pupils per teacher in a classroom for the purpose of instruction in choral, band or orchestra music.

(g) Each school principal shall assign students equitably among the classroom teachers, taking into consideration reasonable differences due to subject areas and/or grade levels.

(h) The state board shall collect from each county board of education information on class size and the number of pupils per teacher for all classes in grades seven through 12. The state board shall report such information to the Legislative Oversight Commission on Education Accountability before January 1, of each year.

~~(i) The West Virginia Department of Education shall survey districts to determine those grade levels, content areas, and geographic locations where class overcrowding is impeding student achievement and report to the Legislature by July 1, 2020 a tailored plan for reducing class overcrowding in such areas.~~

~~The study shall include, but is not limited to, an examination of the following issues:~~

~~(1) The effect on student learning of limits on the number of pupils per teacher in a classroom in elementary classes and in a middle and high school format in which students have different teachers for different subject matter instruction;~~

~~(2) The effect on the equity among teachers in a middle school in which the number of pupils per teacher in a classroom is limited for some teachers and not for others, including the additional pay for certain teachers in whose classrooms the limits are exceeded; and~~

~~(3) The effect limits on the number of pupils per teacher in a classroom have on the ability of school systems to offer elective courses in secondary school.~~

**ARTICLE 9A. PUBLIC SCHOOL SUPPORT.****§18-9A-5. Foundation allowance for service personnel.**

(a) The basic foundation allowance to the county for service personnel shall be the amount of money required to pay the annual state minimum salaries in accordance with the provisions of article four, chapter eighteen-a of this code, to such service personnel employed, subject to the following:

(1) A county shall receive an allowance for state aid eligible service personnel positions per 1,000 students in net enrollment, as follows:

(A) For each high-density county, ~~forty three and ninety seven one hundredths~~ 43.97 service personnel per 1,000 students in net enrollment: Provided, That this ratio of service personnel per 1,000 students in net enrollment shall increase to 47.39 beginning July 1, 2023; 50.65 beginning July 1, 2024; and 53.79 beginning July 1, 2025;

(B) For each medium-density county, ~~forty four and fifty three one hundredths~~ 44.53 service personnel per 1,000 students in net enrollment: Provided, That this ratio of service personnel per 1,000 students in net enrollment shall increase to 47.95 beginning July 1, 2023; 51.21 beginning July 1, 2024; and 54.35 beginning July 1, 2025;

(C) For each low-density county, ~~forty five and one tenth~~ 45.10 service personnel per 1,000 students in net enrollment: Provided, That this ratio of service personnel per 1,000 students in net enrollment shall increase to 48.52 beginning July 1, 2023; 51.78 beginning July 1, 2024; and 54.92 beginning July 1, 2025;

(D) For each sparse-density county, ~~forty five and sixty eight one hundredths~~ 45.68 service personnel per 1,000 students in net enrollment: Provided, That this ratio of service personnel per 1,000 students in net enrollment shall increase to 49.10 beginning July 1, 2023; 52.36 beginning July 1, 2024; and 55.50 beginning July 1, 2025; and

(E) For any service personnel positions, or fraction thereof, determined for a county pursuant to subdivision (1) of this subsection that exceed the number employed, the county's allowance for these positions shall be determined using the average state funded minimum salary of service personnel for the county;

(2) The number of and the allowance for personnel paid in part by state and county funds shall be prorated; and

(3) Where two or more counties join together in support of a vocational or comprehensive high school or any other program or service, the service personnel for the school or program may be prorated among the participating counties on the basis of each one's enrollment therein and that the personnel shall be considered within the above-stated limit.

## **CHAPTER 18A. SCHOOL PERSONNEL.**

### **ARTICLE 5. AUTHORITY; RIGHTS; RESPONSIBILITY.**

#### **§18A-5-9. Authority of early childhood classroom assistant teachers to exercise control over students; limitations.**

(a) Within the limitations provided in this section, an early childhood classroom assistant teacher shall stand in the place of the parent or guardian and shall exercise such authority and control over students as is required of a teacher as provided in section one of this article. The principal shall enumerate the instances in which the authority shall be exercised by an early childhood classroom assistant teacher when requested by the principal, assistant principal or professional employee to whom the assistant teacher is assigned.

(b) The authority provided for in subsection (a) of this section does not extend to suspending or expelling any student, participating in the administration of corporal punishment, or performing instructional duties as a teacher or substitute teacher.

(c) An early childhood classroom assistant teacher may not be required by the operation of this section to perform noninstructional duties for an amount of time which exceeds that

required under the assistant teacher's contract of employment or that required of other early childhood classroom assistant teachers in the same school unless the assignment of the duties is mutually agreed upon by the assistant teacher and the county superintendent, or the superintendent's designated representative, subject to county board approval.

(1) The terms and conditions of the agreement shall be in writing, signed by both parties, and may include additional benefits.

(2) The agreement shall be uniform as to early childhood classroom assistant teachers assigned similar duties for similar amounts of time within the same school.

(d) The county board shall provide in-service training for early childhood classroom assistant teachers specifically related to literacy, numeracy and their responsibilities and appropriate measures for exercising authority and control over students as required under this section.

(e) The county board shall provide in-service training for classroom teachers in grades pre-kindergarten through three to help the classroom teachers gain a strong understanding of how to best utilize the early childhood classroom assistant teachers during classroom instruction and during other periods of the day."

An amendment sponsored by Delegate Dillon was reported by the Clerk.

Delegate Dillon asked and obtained unanimous consent that the amendment be withdrawn.

Delegate Dillon moved to amend the amendment on page 13 following line 41 by inserting the following language:

“(f) A student enrolled in a West Virginia public school shall not be prohibited from participating in the program described in this section known as the Grow Your Own West Virginia Pathway to Teaching Pilot Program, nor any other educational program or school-sponsored club or activity, nor discriminated against in any



form, based on the student's immunization status. No present or prospective student in West Virginia public schools shall be denied enrollment based on student's immunization status.”

Delegate Ellington arose to inquire of the Chair regarding the germaneness of the amendment.

The Speaker ruled that this amendment was not germane but that the next amendment was germane.

Delegate Dillon moved to amend the bill on page 13 following line 41 by inserting the following language:

“(f) No present or prospective student enrolled in a West Virginia public school shall be prohibited from participating in the program described in this section known as the Grow Your Own West Virginia Pathway to Teaching Pilot Program, nor discriminated against in any form, based on the student's immunization status.”

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. 322**), and there were—yeas 22, nays 64, absent and not voting 14, with the yeas and the absent and not voting being as follows:

Yeas: Adkins, Brooks, Butler, Chiarelli, Coop-Gonzalez, Dean, Dillon, A. Hall, Jeffries, Kimble, Kirby, Linville, Longanacre, Marple, McGeehan, Miller, Phillips, Pinson, C. Pritt, Ridenour, Ross and Vance.

Absent and Not Voting: Barnhart, Bridges, Cooper, Foggin, Foster, Griffith, Hanna, Honaker, Keaton, Kump, Martin, Steele, Ward and Worrell.

So, a majority of the members present not having voted in the affirmative, the amendment to the amendment was rejected.

The question before the House being the adoption of the amendment offered by Delegate Ellington, the same was put and adopted.

**H. B. 3066**, Supplementing and amending appropriations to the Department of Education, State Board of Education - State Aid to Schools; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3072**, Supplementing and amending appropriations to Department of Homeland Security, Division of Administrative Services; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3084**, Relating to revising provisions related to public charter schools; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3146**, Establishing in West Virginia Code, the contents of the Uniform Public Meetings During Emergencies Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3156**, Raising the compensation rates of panel attorneys; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3224**, Adding West Virginia Junior College to the list of eligible institutions that accept PROMISE scholarship recipients; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3270**, To amend the deliberate intent statute to limit noneconomic damages to \$250,000; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3315**, Relating generally to readiness enhancement and commission bonuses; on second reading, coming

up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3330**, Creating family court circuits and assigning the number of family court judges in each family court circuit to be elected in the 2024 election; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Householder, and by unanimous consent, the bill was postponed one day.

**H. B. 3331**, Relating generally to support staff in the family courts and magistrate courts of this state; on second reading, coming up in regular order, was read a second time.

Delegate Statler moved to amend the bill on page 6, section 9, line 9,

50-1-9d

“Notwithstanding any other provisions of this article to the contrary, the allowable number of magistrates serving in the county of Monongalia shall be increased by one, effective July 1, 2023. The initial appointment for the position shall be made in accordance with the provisions of §50-1-6 of this code.”

Delegate Capito arose to inquire of the Chair regarding the germaneness of the amendment.

The Speaker ruled that the amendment was not germane to the bill.

**Com. Sub. for H. B. 3332**, Creating judicial circuits and assigning the number of circuit judges in each circuit to be elected in the 2024 election; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Householder, and by unanimous consent, the bill was postponed one day.

**H. B. 3342**, Relating to cooperation between municipal and county economic development authorities; on second reading,

coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3360**, Creating an office of the Inspector General within the Department of Homeland Security; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Summers and Kelly the bill was amended on page 3, line 48, by striking subdivision (1) in its entirety and inserting in lieu thereof a new subdivision (1) to read as follows:

“(1) The Inspector General shall be appointed by the secretary, but may be removed by the Secretary only for:

(A) Misconduct in office;

(B) Persistent failure to perform the duties of the Inspector General; or

(C) Conduct prejudicial to the proper administration of justice.”

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 3369**, Creating a School Safety Unit within the Division of Protective Services; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3370**, Creating loan program for certain properties and developments on U. S. Army Corps of Engineers land, state parks and resorts; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**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 second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3439**, To limit the civil liability of child placing agencies that obtain an insurance policy in an amount not less than \$1 million per incident; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Capito, the bill was amended on page 1, line 5, by striking “No child placing agency is liable for civil damages or injuries in excess of the amounts for which the person or entity is actually insured.” and replacing in lieu of “No program or service provided by a licensed child welfare entity is liable for civil damages in excess of \$1,000,000, per incident, unless the damages or injuries are intentionally or maliciously inflicted.”

The bill was then ordered to engrossment and third reading.

**H. B. 3443**, Relating to a development or improvement on land subject to review by the State Historic Preservation Office; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3464**, Relating to the transfer of certain revenues derived from lottery activities; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3509**, Making a supplementary appropriation to Miscellaneous Boards and Commissions, Public Service Commission – Consumer Advocate Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3510**, Making a supplementary appropriation to the Department of Administration, Office of Technology – Chief Technology Officer Administration Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3526**, Making a supplementary appropriation to Miscellaneous Boards and Commissions, Public Service Commission; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3527**, Supplementing and amending appropriations to Department of Education, School Building Authority; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3529**, Making a supplementary appropriation to the Department of Commerce, State Board of Rehabilitation – Division of Rehabilitation Services; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3559**, Relating to defining a newborn safety device; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Westfall, the bill was amended on line 21 by inserting the following language:

“(C) Notify a centralized location in the facility within 30 seconds of a child being placed in the device;

(D) Trigger a 911 call if staff at the facility do not respond within 30 minutes after a child is placed in the device.”

The bill was then ordered to engrossment and third reading.

**H. B. 3560**, Relating to expanding the definitions of land and recreational purposes; 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 H. B. 2862**, Relating generally to requirements for shareholder voting by the West Virginia Investment Management Board and the Board of Treasury Investments,

**H. B. 2878**, To grant the Fleet Management Division oversight authority of the state vehicle fleet,

**H. B. 2939**, Relating to filing of lien by municipalities for collection of refuse fees,

**Com. Sub. for H. B. 2992**, Clarifying and updating school bus rules and the types of vehicles covered,

**Com. Sub. for H. B. 3049**, To create the American Campuses Act,

**Com. Sub. for H. B. 3133**, Create a credit against the severance tax to encourage private companies to make infrastructure improvements to highways, roads and bridges in this state,

**Com. Sub. for H. B. 3135**, To modify the salaries of the Governor and Constitutional officers beginning January 1, 2025,

**H. B. 3203**, Relating generally to West Virginia Real Estate License Act,

**Com. Sub. for H. B. 3303**, Clarifying and expanding the powers and duties of the director of the Coalfield Community Development Office,

**Com. Sub. for H. B. 3313**, Restraining county commissions from imposing rules and regulations on farmers beyond what is already prescribed through state statute,

**Com. Sub. for H. B. 3344**, To pay certain moral obligations of the state,

**Com. Sub. for H. B. 3354**, To authorize municipalities to combine operations with other municipalities and counties to provide governmental services,

**H. B. 3371**, Relating to federal funds for land-grant institutions,

**Com. Sub. for H. B. 3405**, Change the maximum time period of a protective order to one year,

**H. B. 3451**, Updating the veteran preference ratings in state code for state employment,

**Com. Sub. for H. B. 3480**, Enact the West Virginia Consumer Financial Privacy Act of 2023,

**H. B. 3500**, Allowing consumer lenders to permit employees to conduct certain business at locations other than the licensee's designated office,

**H. B. 3561**, Relating generally to creating the Joint Legislative Committee on Civic Life.

And,

**H. B. 3562**, Relating to the West Virginia Fusion Center.

### **Leaves of Absence**

At the request of Delegate Householder, and by unanimous consent, leave of absence for the day were granted Delegate Ward.

### **Miscellaneous Business**

Delegate E. Pritt noted to the Clerk that he was absent when the vote was taken on Com. Sub. for H. B. 3341 on February 25, 2023, and had he been present, he would have voted "Nay" thereon.

Pursuant to House Rule 94b, forms 2343 filed with the Clerk's Office to be added as a cosponsor of the following:

**H. B. 3153**: Delegate Rowe;

**H. B. 3410**: Delegate Adkins;

And,

**H. B. 3533**: Delegate Adkins.

At 6:48 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 28, 2023.