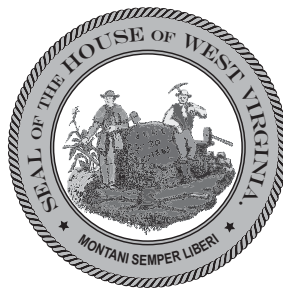


West Virginia Legislature

JOURNAL  
of the  
HOUSE of DELEGATES

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First Regular Session

Held at Charleston  
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January 24, 2023  
FOURTEENTH DAY



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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 goods 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 yeas 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.

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

## **SPECIAL CALENDAR**

**Wednesday, January 25, 2023**

**15<sup>th</sup> Day**

**11:00 A. M.**

### **THIRD READING**

- Com. Sub. for H. B. 2754 - Relating to immunizations performed in a pharmacy (SUMMERS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2757 - Relating to expanding institutional eligibility for the WV Invests Grant Program (SUMMERS) (REGULAR)
- H. B. 2776 - Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 2777 - Updating federal taxable income and other terms in the West Virginia Corporation Net Income Tax Act (CRISS) (EFFECTIVE FROM PASSAGE)

### **SECOND READING**

- H. B. 2113 - Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse (CAPITO) (REGULAR)
- H. B. 2171 - Removing obsolete provisions regarding DOH standards for studded tires and chains (LINVILLE) (REGULAR)
- H. B. 2531 - Requiring cooperation between the rail company and the Division of Highways when construction or maintenance activities are conducted by the company (LINVILLE) (REGULAR)

### **FIRST READING**

- S. B. 143 - Relating to Adopt-A-Stream Program (PHILLIPS) (REGULAR) [GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING]
- Com. Sub. for H. B. 2221 - Relating to bankruptcy (CAPITO) (REGULAR)
- H. B. 2597 - Amending performance evaluations of professional personnel (ELLINGTON) (REGULAR)
- H. B. 2800 - All relating to authorizing legislative rules regarding higher education (ELLINGTON) (REGULAR)





**HOUSE CALENDAR**

**Wednesday, January 25, 2023**

**15<sup>th</sup> Day**

**11:00 A. M.**

**(No Bills)**



**WEST VIRGINIA  
HOUSE OF DELEGATES**

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**WEDNESDAY, JANUARY 25, 2023**

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

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**FIRE DEPARTMENTS AND EMERGENCY MEDICAL SERVICES  
9:00 A.M. – ROOM 460-M**

**RULE-MAKING REVIEW COMMITTEE  
9:00 A.M. – ROOM 208-W**

**POLITICAL SUBDIVISIONS  
9:15 A.M. – ROOM 410-M**

**VETERANS' AFFAIRS AND HOMELAND SECURITY  
10:00 A.M. – ROOM 215-E**

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

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

**COMMITTEE ON GOVERNMENT ORGANIZATION  
3:00 P.M. – ROOM 215-E**

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