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February 2, 2023  
TWENTY-THIRD DAY



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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, Skaff, 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 (e) 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.

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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**

**Friday, February 3, 2023**

**24<sup>th</sup> Day**

**9:00 A. M.**

### **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 (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2007 - Prohibiting certain medical practices (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2008 - Requiring local entities to enforce immigration laws (CAPITO) (REGULAR) [RIGHT TO AMEND]
- Com. Sub. for H. B. 2380 - Relating to School Building Authority (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2443 - Relating to service employees with National Association for Pupil Transportation Certifications (ELLINGTON) (REGULAR)
- H. B. 2768 - To require all state entities and Chapter 30 boards to use “.gov” domains and e-mail addresses (PHILLIPS) (REGULAR)
- H. B. 2941 - To extend the end date of the State Advisory Council on Postsecondary Attainment Goals (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 3091 - Requiring counties provide fiscal information for State Auditor’s WV Checkbook website (PHILLIPS) (REGULAR)

### **SECOND READING**

- Com. Sub. for H. B. 2538 - Requiring usage of child welfare information technology systems (SUMMERS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2789 - Removing birthing centers from certificate of need (SUMMERS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2832 - Clarifying appropriate and inappropriate duties for school counselors while also providing the definition of a school counselor (ELLINGTON) (REGULAR)
- H. B. 3141 - Relating to the practice of dentistry (SUMMERS) (REGULAR)

### **FIRST READING**

- S. B. 4 - Creating Adopt-A-Trail volunteer programs for public land under DNR jurisdiction (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2196 - To remove opioid treatment programs from requiring a certificate of need (SUMMERS) (EFFECTIVE FROM PASSAGE)

H. B. 2611 - To remove certain territorial limitations on a banking institution's ability to offer messenger services or mobile banking facilities (CAPITO) (REGULAR)

Com. Sub. for H. B. 3055 - To create a vocational math class for students interested in careers in the trades (ELLINGTON) (REGULAR)

**HOUSE CALENDAR**

**Friday, February 3, 2023**

**24<sup>th</sup> Day**

**9:00 A. M.**

**SECOND READING**

Com. Sub. for H. B. 2017 - Relating to service of process in child abuse cases (CAPITO)  
(REGULAR)

H. B. 2510 - To establish the Rare Earth Element and Critical Mineral  
Investment Tax Credit Act (HOWELL) (EFFECTIVE FROM PASSAGE)



# **WEST VIRGINIA HOUSE OF DELEGATES**

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**FRIDAY, FEBRUARY 3, 2023**

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**HOUSE CONVENES AT 9:00 A.M.**

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**COMMITTEE ON FINANCE  
10:00 AM – ROOM 460-M**

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