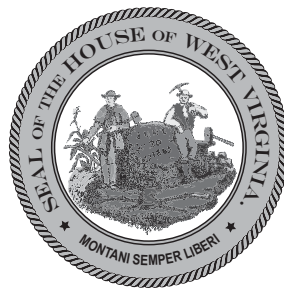


West Virginia Legislature

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First Regular Session

Held at Charleston  
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February 6, 2023  
TWENTY-SEVENTH DAY



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Monday, February 6, 2023

**TWENTY-SEVENTH DAY**

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

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

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

The Clerk proceeded to read the Journal of Friday, February 3, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Reordering of the Calendar**

Pursuant to the action of the Committee on Rules, Delegate Householder announced that Com. Sub. for H. B. 2832, on Second Reading, Special Calendar, had been transferred to the House Calendar.

**Committee Reports**

Delegate Summers, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 2845**, Relating to removing expired provisions from the code,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2845** - "A Bill to repeal §16-29F-1 of the Code of West Virginia, 1931, as amended, relating to repealing the section regulating the now-expired uninsured and underinsured pilot program,"

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

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3077** - "A Bill to repeal §60A-10-16 of the Code of West Virginia, 1931, as amended, relating to eliminating the expiration date of the Multi-State Real-Time Tracking System,"

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

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3164** - "A Bill to amend and reenact §16-5CC-3 of the Code of West Virginia of 1931, as amended, relating to modifying the West Virginia Advisory Council on Rare

Diseases; changing the entities to which said Council reports; changing the termination date of said Council,”

And,

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

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3191** - “A Bill to amend and reenact §16-5B-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §27-1-16 of said code; and relating to requiring licensure for certain health facilities operated by the state and defining terms,”

With the recommendation that the committee substitutes each do pass.

Delegate Worrell, Chair of the Committee on Workforce Development, submitted the following report, which was received:

Your Committee on Workforce Development has had under consideration:

**H. B. 2415**, Ban the Box Act,

And,

**H. B. 2933**, Increase in fines and criminal penalties when an employer fails to maintain employment records of an unauthorized employee,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended, but that they first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 2415 and H. B. 2933) were each referred to the Committee on the Judiciary.

Delegate Howell, Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

**H. B. 3169**, Creating a Distribution Center Refundable Toll Payments Tax Credit Act,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 3169) was referred to the Committee on Finance.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2471**, Relating to the suspension of driver’s license for unpaid tickets,

And,

**H. B. 3187**, Relating to requirements imposed on social media companies to prevent corruption and provide transparency of election-related content made available on social media websites,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended, but that they first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 2471 and H. B. 3187) were each referred to the Committee on the Judiciary.

### **Messages from the Executive**

Communications from the Clerk of the Senate to His Excellency, the Governor, advised that the following bills had been presented to the Governor: S. B. 132 on February 3, 2023 and Com. Sub. for S. B. 83 and S. B. 207 on February 6, 2023.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 2530**, Relating to the extension of the expiration of temporary registration plates from sixty days to ninety days.

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

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**“ARTICLE 6. LICENSING OF DEALERS AND WRECKERS OR DISMANTLERS; SPECIAL PLATES; TEMPORARY PLATES OR MARKERS.**

#### **§17A-6-15. Temporary registration plates or markers.**

(a) In order to permit a vehicle which is sold to a purchaser by a dealer to be operated on the streets and highways pending receipt of the annual registration plate from the division for such vehicle, the commissioner may, subject to the limitations and conditions hereinafter set forth, deliver temporary vehicle registration plates or markers to dealers who in turn may, subject to the limitations and conditions hereinafter set forth, issue the same to purchasers of vehicles, but such purchasers must comply with the pertinent provisions of this section.

(b) Application by a dealer to the commissioner for temporary registration plates or markers shall be made on the form and in the manner prescribed and furnished by the commissioner for such purpose and shall be accompanied by a fee of \$3 for each such temporary registration plate or marker. The commissioner may require the fee to be remitted to the division in an electronic format. No refund or credit of fees paid by dealers to the commissioner for temporary registration plates or markers shall be allowed, except that in the event the commissioner discontinues the

issuance of such temporary plates or markers, dealers returning temporary registration plates or markers to the commissioner may petition for and be entitled to a refund or a credit thereof. No temporary registration plates or markers shall be delivered by the commissioner to any dealer in house trailers only, and no such temporary plates or markers shall be issued for or used on any house trailer for any purpose.

(c) Every dealer who has made application for and received temporary registration plates or markers shall maintain in a manner prescribed by the commissioner, a record of all temporary registration plates or markers issued by him or her, and a record of any other information pertaining to the receipt or the issuance of temporary registration plates or markers which the commissioner may require. Every dealer who issues a temporary registration plate or marker shall notify the division in the manner prescribed by the commissioner. No temporary registration plates or markers may be delivered to any dealer until such dealer has fully accounted to the commissioner for the temporary registration plates or markers last delivered to such dealer, by showing the number issued to purchasers by such dealer and any on hand.

(d) A dealer may not issue, assign, transfer or deliver a temporary registration plate or marker to anyone other than the bona fide purchaser of the vehicle to be registered; nor may a dealer issue a temporary registration plate or marker to anyone ~~possessed of~~ possessing an annual registration plate for a vehicle which has been sold or exchanged, except a dealer may issue a temporary registration plate or marker to the bona fide purchaser of a vehicle to be registered who possesses an annual registration plate of a different class and makes application to the division to exchange such annual registration plate of a different class in accordance with the provisions of §17A-4-1 of this code; nor may a dealer lend to anyone, or use on any vehicle which he or she may own, a temporary registration plate or marker. It is unlawful for any dealer to issue any temporary registration plate or marker knowingly containing any misstatement of fact, or knowingly to insert any false information upon the face thereof.

(e) Every dealer who issues temporary registration plates or markers shall affix or insert clearly and indelibly on the face of each temporary registration plate or marker in the manner prescribed by the commissioner, the date of issuance and expiration thereof, and the make and motor or serial number of the vehicle for which issued.

(f) If the commissioner finds that the provisions of this section or his or her directions are not being complied with by a dealer, he or she may suspend the right of such dealer to issue temporary registration plates or markers.

(g) Every person to whom a temporary registration plate or marker has been issued shall permanently destroy such temporary registration plate or marker immediately upon receiving the annual registration plate for such vehicle from the division: *Provided*, That if the annual registration plate is not received within ~~sixty~~ 90 days of the issuance of the temporary registration plate or marker, the owner shall, notwithstanding the fact that the annual registration plate has not been received, immediately and permanently destroy the temporary registration plate or marker: *Provided, however*, That not more than one temporary registration plate or marker shall be issued to the same bona fide purchaser for the same vehicle.

(h) A temporary registration plate or marker shall expire and become void upon the receipt of the annual registration plate from the division or upon the rescission of the contract to purchase the vehicle in question, or upon the expiration of ~~sixty~~ 90 days from the date of issuance, depending upon whichever event shall first occur.

(i) For the purpose of this section, the term "dealer" includes a wrecker/dismantler/rebuilder and, in the context of issuing temporary registration plates, any other business licensed by the division in accordance with the provisions of this chapter and authorized to issue temporary registration plates or markers.

(j) The commissioner may require participation in an electronic temporary plate issuance system by all dealers as a precondition for authority for a dealer to issue temporary license plates or markers.

## **ARTICLE 6B. LICENSE SERVICES.**

### **§17A-6B-10. Temporary registration plates or markers.**

(a) In order to permit a vehicle which is to be titled and registered to be operated on the streets and highways pending receipt of the annual registration plate from the division for such vehicle, the commissioner may, subject to the limitations and conditions hereinafter set forth, deliver temporary vehicle registration plates or markers to persons engaged in license service businesses who in turn may, subject to the limitations and conditions hereinafter set forth, issue the same to applicants for title and registration of vehicles, but such applicants must comply with the pertinent provisions of this section.

(b) Application by a license service business to the commissioner for such temporary registration plates or markers shall be made on the form prescribed and furnished by the commissioner for such purpose and shall be accompanied by a fee of \$3 for each such temporary registration plate or marker. No refund or credit of fees paid by license services to the commissioner for temporary registration plates or markers shall be allowed, except that in the event the commissioner discontinues the issuance of such temporary plates or markers, license services returning temporary registration plates or markers to the commissioner may petition for and be entitled to a refund or a credit thereof.

(c) Every license service who has made application for and received temporary registration plates or markers shall maintain in permanent form a record of all temporary registration plates or markers delivered to the licensee, a record of all temporary registration plates or markers issued, and a record of any other information pertaining to the receipt or the issuance of temporary registration plates or markers which the commissioner may require. Each such record shall be kept for a period of at least three years from the date of the making thereof.

Every licensee who issues a temporary registration plate or marker shall, within five working days after the issuance of such plate or marker, send to the division a copy of the temporary registration plate or marker certificate properly executed by the license service and the purchaser.

No temporary registration plates or markers may be delivered to any license service until such license service has fully accounted to the commissioner for the temporary registration plates or markers last delivered to such license service, by showing the number issued to purchasers by such license service and any on hand.

(d) A license service shall not issue, assign, or deliver a temporary registration plate or marker to anyone other than the bona fide applicant for title and registration of the vehicle to be registered. Not more than one temporary registration plate or marker shall be issued to the same bona fide applicant for the same vehicle. A license service shall not issue a temporary registration plate or marker to anyone ~~possessed of~~ possessing an annual registration plate for a vehicle which has

been sold or exchanged, except a license service may issue a temporary registration plate or marker to the bona fide applicant of a vehicle to be registered who possesses an annual registration plate of a different class and makes application to the division to exchange such annual registration plate of a different class in accordance with the provisions of §17A-4-1 of this code. A license service shall not lend to anyone, or use on any vehicle which he or she may own, a temporary registration plate or marker.

It is unlawful for any license service to issue any temporary registration plate or marker which contains a misstatement of fact or false information.

No license service shall issue, assign, or deliver a temporary registration plate or marker to anyone unless and until the license service has physical possession of the application and appropriate fees and taxes of the vehicle to be titled and registered. Such application, fees, and taxes shall be postmarked to the issuing agency or submitted to the Division of Motor Vehicles within 48 hours after issuance of the temporary plate or marker.

(e) Every license service who issues temporary registration plates or markers shall affix or insert clearly and indelibly on the face of each temporary registration plate or marker the date of issuance and expiration thereof, and the make, model, and serial number of the vehicle for which issued.

(f) If the commissioner finds that the provisions of this section or his or her directions are not being complied with by a license service, he or she may suspend the right of such license service to issue temporary registration plates or markers.

(g) A temporary registration plate or marker shall expire upon the receipt of the annual registration plate from the division, or upon the rescission of the contract to purchase the vehicle in question, or upon the expiration of ~~sixty~~ 90 days from the date of issuance, depending upon which event occurs first.

(h) A license service may charge a fee not to exceed \$5 for issuing a temporary registration plate or marker.

## **ARTICLE 6C. AUTOMOBILE AUCTION BUSINESSES.**

### **§17A-6C-11. Temporary registration plates or markers.**

(a) In order to permit a vehicle which is to be titled and registered to be operated on the streets and highways pending receipt of the annual registration plate, the commissioner may, subject to the following limitations, deliver temporary vehicle registration plates or markers to persons engaged in the automobile auction business for issuance to applicants for title and registration of vehicles.

(b) An application by an automobile auction business to the commissioner for temporary registration plates or markers shall be made on the form prescribed and furnished by the commissioner and shall be accompanied by a fee of \$3 for each temporary registration plate or marker. No refund or credit of fees paid by automobile auction businesses to the commissioner for temporary registration plates or markers is allowed, except in the event the commissioner discontinues the issuance of temporary plates or markers. Automobile auction businesses returning temporary registration plates or markers to the commissioner may petition for and be entitled to a refund or a credit.



(c) Every automobile auction business applying for and receiving temporary registration plates or markers shall maintain in permanent form a record of all temporary registration plates or markers delivered to the licensee, a record of all temporary registration plates or markers issued and a record of any other information pertaining to the receipt or the issuance of temporary registration plates or markers which the commissioner may require. Each record shall be kept for a period of at least three years from the date issued. Every automobile auction business issuing a temporary registration plate or marker shall send to the division a copy of the temporary registration plate or marker certificate properly executed by the automobile auction business and the purchaser within five working days after the issuance of the plate or marker. No temporary registration plates or markers may be delivered to any automobile auction business until the business has fully accounted to the commissioner for the temporary registration plates or markers last delivered by showing the number issued to purchasers and the number remaining to be issued.

(d) An automobile auction business may not issue, assign, or deliver a temporary registration plate or marker to anyone other than the bona fide applicant for title and registration of the vehicle to be registered. Not more than one temporary registration plate or marker may be issued to the same bona fide applicant for the same vehicle. An automobile auction business may not issue a temporary registration or marker to anyone possessing an annual registration plate for a vehicle which has been sold or exchanged, except an automobile auction business may issue a temporary registration plate or marker to the bona fide applicant who possesses an annual registration plate of a different class and it may make application to the division to exchange the annual registration plate of a different class in accordance with the provisions of §17A-4-1 of this code. An automobile auction business may not lend to anyone or use on any vehicle which it may own, a temporary registration plate or marker. It is unlawful for any automobile auction business to issue any temporary registration plate or marker which contains a misstatement of fact or false information.

(e) Every automobile auction business issuing temporary registration plates or markers shall affix or insert clearly and indelibly on the face of each temporary registration plate or marker the date of issuance, the date of expiration and the make, model, and serial number of the vehicle.

(f) If the commissioner finds that the provisions of this section or his or her directions are not being complied with by an automobile auction business, the commissioner may suspend the right of the automobile auction business to issue temporary registration plates or markers.

(g) A temporary registration plate or marker expires upon the receipt of the annual registration plate from the division, or upon the rescission of the contract to purchase the vehicle in question, or upon the expiration of ~~sixty~~ 90 days from the date of issuance, whichever event occurs first.”

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 78**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Ellington, Hornbuckle, Martin, Smith and Steele.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2530) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**H. B. 2533**, Relating to a permanent windshield placard to be valid for the duration of the applicant's life.

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

On page 3, section 6, line 64, after the word "height" by inserting the words "for a temporary placard";

On page 5, section 6, line 118, after the word "apply" by inserting the word "for";

And,

On page 6, section 6, lines 123 and 124, by striking out the words "and permanent removable windshield placards".

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 79**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Ellington, Hornbuckle, Martin, Smith and Steele.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2533) passed.

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

A message from the Senate, by

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

**H. B. 2564**, Repeal of administrative hearing procedures for DUI offenses.

A message from the Senate, by

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

**H. B. 2776**, Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act.

A message from the Senate, by

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

**H. B. 2777**, Updating federal taxable income and other terms in the West Virginia Corporation Net Income Tax Act.

A message from the Senate, by

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

**Com. Sub. for S. B. 205** – “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto eight new sections, designated as §17A-3-14a, §17A-3-14b, §17A-3-14c, §17A-3-14d, §17A-3-14e, §17A-3-14f, §17A-3-14g, and §17A-3-14h, all relating to registration plates; authorizing special registration plates; establishing fees; authorizing the suspension of registration of any owner who displays a damaged or illegible plate or otherwise fails to comply with legal requirements; voiding license plates issued or renewed and paid for by worthless check; authorizing Division of Motor Vehicles to accept or authorize electronic signatures; and authorizing issuance of special registration plates as authorized by joint resolution of the Legislature or upon direct request to the Division of Motor Vehicles”; which was referred to the Committee on Technology and Infrastructure.

A message from the Senate, by

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

**S. B. 275** – “A Bill to amend and reenact §18-9F-10 of the Code of West Virginia, 1931, as amended, relating to adding State Fire Marshals to the statute to be included with law enforcement along with local law enforcement and first responders that receive information related to school safety requirements”; which was referred to the Committee on Fire Departments and Emergency Medical Services then Education.

A message from the Senate, by

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

**Com. Sub. for S. B. 294** – “A Bill to amend and reenact §7-14-17c of the Code of West Virginia, 1931, as amended, relating to clarifying the amount of a deputy sheriff’s annual monetary payment for years of service; setting date for calculation and payment of supplement; providing for eligibility requirement for monetary supplement; and establishing that supplement is to be considered in calculating deputy sheriff’s benefits”; which was referred to the Committee on Finance.

A message from the Senate, by

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

**Com. Sub. for S. B. 345** – “A Bill to amend and reenact §64-7-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Revenue to promulgate legislative rules; authorizing the rules as filed, as modified, and as modified and amended by the Legislative Rule-Making Review Committee, and as

amended by the Legislature; relating to authorizing the Division of Financial Institutions to promulgate a legislative rule relating to money transmission services; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to suitability in annuity transactions; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to pharmacy auditing entities and pharmacy benefit managers; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to bail bondsmen in criminal cases; relating to authorizing the Lottery Commission to promulgate a legislative rule relating to West Virginia Lottery sports wagering; relating to authorizing the Tax Commissioner to promulgate a legislative rule relating to the valuation of producing and reserve oil, natural gas liquids, and natural gas for ad valorem property tax purposes; relating to authorizing the Tax Commissioner to promulgate a legislative rule relating to West Virginia Film Industry Investment Act; relating to authorizing the Tax Commissioner to promulgate a legislative rule relating to the Farm-to-Food Bank tax credit; relating to authorizing the Tax Commissioner to promulgate a legislative rule relating to property transfer tax; relating to authorizing the Tax Commissioner to promulgate a legislative rule relating to municipal sales and use tax administration; and relating to authorizing the Tax Commissioner to promulgate a legislative rule relating to a personnel rule for the Tax Division"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**S. B. 457** – “A Bill to amend and reenact §60-7-12 of the Code of West Virginia, 1931, as amended, relating to removing gambling and use of gaming devices from definition of activities Alcohol Beverage Control Commission licensee is prohibited to permit on licensee’s private club premises”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 461** – “A Bill to amend and reenact §6C-2-1, §6C-2-2, §6C-2-3, §6C-2-4, and §6C-2-6 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Public Employees Grievance Procedure; defining terms; clarifying actions by an agency taken during a declared state of preparedness or emergency or any matter relating to protected classes are not subject to grievances; providing that Division of Personnel may not be a party in certain circumstances; requiring a notarized grievance form and providing for multiple grievant parties; providing a grievance must be filed within the time limits specified or it may be dismissed; extending certain time limits; providing for grievance dismissal for untimeliness, lack of jurisdiction, or failure to state a claim and appeals of such dismissal; updating default process to include employer; providing the grievance evaluator and the administrative law judge may not hold a motion to dismiss in abeyance while other proceedings take place; clarifying that grievances may be consolidated as long as the initial grievance has not been dismissed; providing that proceedings may be rescheduled for good cause shown; requiring grievant representatives provide the names and work location of employees being represented; requiring that employees provide the name and contact information of his or her representative; directing Grievance Board to make available certain forms; providing that employee annual leave will be charged for work hours used in preparing for and attending the grievance hearing in excess of certain limits; providing for the chief administrator’s resolution of certain disputes and further providing for discretionary recording of conference; limiting annual number of grievances an employee may serve as a representative; providing for conference recordings; requiring grievance to be held in

abeyance under certain circumstances; clarifying employee representation is limited by work requirements; requiring grievant to provide copies of grievance in certain cases; updating appellate procedure from level three decision; and providing for award of costs and attorney fees”; which was referred to the Committee on the Judiciary.

### **Resolutions Introduced**

The following resolutions were introduced and severally referred as follows:

**By Delegate Dillon:**

**H. C. R. 17** – “Requesting the Division of Highways name a portion of County Route 35/14 ‘Perry Ridge Rd’, near Dunlow, in Wayne County, from Lat/Long: 37.996071, -82.337624, to Lat/Long: 37.963447, -82.337624, the ‘CSA Army PVT Nathaniel Perry Memorial Trail’”; to the Committee on Technology and Infrastructure then Rules.

And,

**By Delegate Dillon:**

**H. C. R. 18** – “Requesting the Division of Highways name bridge number 11-31-8, carrying Twelve Pole Creek Road/Old NW Railroad Bed Road 3/05 over West Fork Twelve Pole Creek west of Big Sang Kill Road in Mingo County, the ‘Ira “Noon” Copley and Marie Copley Memorial Bridge’”; to the Committee on Technology and Infrastructure then Rules.

### **Bills Introduced**

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

**By Delegate Criss:**

**H. B. 3295** - “A Bill to amend and reenact §5A-3-4 and §5A-3-12 of the Code of West Virginia, 1931, as amended, all relating to terminating the authority of the Director of the Purchasing Division to impose a certain annual fee upon vendors”; to the Committee on Government Organization then Finance.

**By Delegate Young:**

**H. B. 3296** - “A Bill to amend and reenact §18-5D-3 of the Code of West Virginia, 1931, as amended, relating to statewide expansion of Healthy School Meals for All through maximizing participation in the Community Eligibility Provision (CEP) or other universal meal options by requiring all schools that qualify for CEP to apply for this funding”; to the Committee on Education then Finance.

**By Delegate Young:**

**H. B. 3297** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-20, relating to providing that patients undergoing medical procedures may refuse to have such procedures observed by residents and medical students at the hospital”; to the Committee on Health and Human Resources.

**By Delegate Young:**

**H. B. 3298** - “A Bill to amend and reenact §61-6-21 of the Code of West Virginia, 1931, as amended, relating to prohibiting civil rights violations based on disability, gender identity or sexual orientation; criminal penalties; when evidence of constitutionally protected speech or associations is not admissible in criminal prosecutions; exceptions; providing for sentencing alternatives for

persons convicted of violations; and designating amendments to this section as ‘Angel’s Law’; to the Committee on Jails and Prisons then the Judiciary.

**By Delegates Storch, C. Pritt, Anderson, Kump, Marple, E. Pritt and Hornbuckle:**

**H. B. 3299** - “A Bill to amend and reenact §20-18-5, and §20-18-6 of the Code of West Virginia, 1931, as amended; all relating to Natural Resource Police Officer Retirement; providing for supplemental funding of the West Virginia Natural Police Officer Retirement System; and providing for additional recruitment and retention opportunities of Natural Resources Police Officers”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Toney, Howell and Clark:**

**H. B. 3300** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, §11-13MM-3, and §11-13MM-4, all relating to the creation of the ‘EV Manufacturers Investment Credit’; providing for definitions; establishing tier 1 eligibility, credits, and exemptions; establishing tier 2 eligibility, credits, and exemptions; providing for the forfeiture of unused tax credits; and providing for the redetermination of credit allowed”; to the Committee on Economic Development and Tourism then Finance.

**By Delegates Storch, Barnhart, Willis, Criss, Capito, Hott, Hardy, Brooks, Westfall, Toney and Martin:**

**H. B. 3301** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-18F-1, §31-18F-2, §31-18F-3, §31-18F-4, §31-18F-5, §31-18F-6, §31-18F-7, §31-18F-8, §31-18F-9, and §31-18F-10, all relating to creating the ‘First Time Home Buyer Savings Account Act’; providing for definitions; creating a first time home buyer savings account; providing for subtractions from federal adjusted gross income; providing limits applicable to subtraction from federal adjusted gross income; penalties for withdrawal of funds; requiring financial institution to provide account holder information certificate; requiring Tax Commissioner to propose rules to implement this article; and stating years to which this article applies”; to the Committee on Finance.

**By Delegate Westfall:**

**H. B. 3302** - “A Bill to amend and reenact §17C-5-2 of the Code of West Virginia, 1931, as amended, and to amend and reenact §61-2-30 of said code; all relating to recognizing an embryo or fetus as a distinct unborn victim for the offense of DUI causing death”; to the Committee on the Judiciary.

**By Delegates Reynolds, Bridges, Sheedy, Crouse, Hott, Zatezalo, Willis, Phillips, Ward and Brooks:**

**H. B. 3303** - “A Bill to amend and reenact §5B-2A-5 of the Code of West Virginia, 1931, as amended, relating to clarifying and expanding the powers and duties of the director of the Coalfield Community Development Office”; to the Committee on Government Organization then Finance.

**By Delegates Reynolds, Bridges, Sheedy, Crouse, Hott, Zatezalo, Willis, Phillips, Brooks and Ward:**

**H. B. 3304** - “A Bill to amend and reenact §11-13A-3 of the Code of West Virginia, 1931, as amended, relating to providing an exemption from the state severance tax for coal sold to coal-fired power plants located within the state of West Virginia”; to the Committee on Energy and Manufacturing then Finance.

**By Delegate Capito:**

**H. B. 3305** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-11-1, §5B-11-2, §5B-11-3, §5B-11-4, §5B-11-5, and §5B-11-6; and to amend said Code, by adding thereto a new section, designated §11-21-4g; and to amend and reenact §11-24-4 of said code; all relating to creating the Small Business and Entrepreneurship Act; requiring annual reports from the Secretary of Administration; requiring a report from the Secretary of Administration and the Office of Entrepreneurship; defining terms; creating the Office of Entrepreneurship; requiring state contract awards to new businesses under certain conditions; requiring tracking of workforce development funding; requiring funding allocations to new business development; waiving certain fees for new business; creating special tax rates on new business income; and creating special tax rates on certain new corporation income"; to the Committee on Economic Development and Tourism then Finance.

**By Delegates Summers and Tully:**

**H. B. 3306** – "A Bill to amend and reenact §16-5T-2 of the Code of West Virginia, 1931, as amended, relating to the organizational structure of the Office of Drug Control Policy; providing for the appointing of the director; and requiring the creation of a task force"; to the Committee on Health and Human Resources.

**H. B. 3294**, Ensuring future economic development with limitations, excise tax, and registration requirements of carbon offset agreements; referred to the Committee on the Judiciary on February 3, 2023, was, in the absence of objection, reassigned to the Committee on Energy and Manufacturing then Finance.

**Special Calendar****Third Reading**

**Com. Sub. for H. B. 2789**, Removing birthing centers from certificate of need; on third reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Householder, and by unanimous consent, the bill was postponed one day.

**H. B. 3141**, Relating to the practice of dentistry; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 80**), and there were—yeas 89, nays 6, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Dillon, Holstein, Kirby, Mazzocchi, Vance and Walker.

Absent and Not Voting: Ellington, Hornbuckle, Martin, Smith and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3141) passed.

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

### Second Reading

**S. B. 4**, Creating Adopt-A-Trail volunteer programs for public land under DNR jurisdiction; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for H. B. 2196**, To remove opioid treatment programs from requiring a certificate of need; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Householder, and by unanimous consent, the bill was postponed one day.

**H. B. 2611**, To remove certain territorial limitations on a banking institution's ability to offer messenger services or mobile banking facilities; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 3055**, To create a vocational math class for students interested in careers in the trades; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

### First Reading

The following bill on first reading, coming up in regular order, was read a first time and ordered to second reading:

**S. B. 241**, Relating to Patient Brokering Act.

### Leaves of Absence

At the request of Delegate Householder, and by unanimous consent, leaves of absence for the day were granted Delegates Ellington, Hornbuckle, Martin, Smith and Steele.

### Miscellaneous Business

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

**H. B. 2415**: Delegate Young;

**H. B. 3258**: Delegate Kump;

And,

**H. B. 3302**: Delegate Burkhammer.

At 11:26 a.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 7, 2023.



**SPECIAL CALENDAR**

**Tuesday, February 7, 2023**

**28<sup>th</sup> Day**

**11:00 A. M.**

**THIRD READING**

- S. B. 4 - Creating Adopt-A-Trail volunteer programs for public land under DNR jurisdiction (HOWELL) (REGULAR)
- 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. 2789 - Removing birthing centers from certificate of need (SUMMERS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 3055 - To create a vocational math class for students interested in careers in the trades (ELLINGTON) (REGULAR)

**SECOND READING**

- S. B. 241 - Relating to Patient Brokering Act (SUMMERS) (EFFECTIVE FROM PASSAGE) [HEALTH AND HUMAN RESOURCES AMENDMENT PENDING]
- Com. Sub. for H. B. 2196 - To remove opioid treatment programs from requiring a certificate of need (SUMMERS) (EFFECTIVE FROM PASSAGE)

**FIRST READING**

- Com. Sub. for H. B. 2845 - Relating to removing expired provisions from the code (SUMMERS) (REGULAR)
- Com. Sub. for H. B. 3077 - Relating to making the use of the multi-state real time tracking system permanent (SUMMERS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 3164 - To extend the termination date of the West Virginia Advisory Council on Rare Diseases due to a delay in beginning its duties (SUMMERS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 3191 - Relating to certain facilities operated by the state government to obtain a license (SUMMERS) (EFFECTIVE FROM PASSAGE)

**HOUSE CALENDAR**

**Tuesday, February 7, 2023**

**28<sup>th</sup> Day**

**11:00 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)
- Com. Sub. for H. B. 2832 - Clarifying appropriate and inappropriate duties for school counselors while also providing the definition of a school counselor (ELLINGTON) (REGULAR)

# **WEST VIRGINIA HOUSE OF DELEGATES**

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**TUESDAY, FEBRUARY 7, 2023**

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

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**AGRICULTURE AND NATURAL RESOURCES  
9:00 AM – ROOM 215-E**

**BANKING AND INSURANCE  
9:00 AM – ROOM 410-M**

**PREVENTION AND TREATMENT OF SUBSTANCE ABUSE  
9:00 AM – ROOM 432-M**

**PENSIONS AND RETIREMENT  
10:00 AM – ROOM 460-M**

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

**COMMITTEE ON ENERGY AND MANUFACTURING  
1:00 PM – ROOM 410-M**

**TECHNOLOGY AND INFRASTRUCTURE  
1:00 PM – ROOM 432-M**

**ECONOMIC DEVELOPMENT AND TOURISM  
2:00 PM – ROOM 460-M**

**COMMITTEE ON HEALTH AND HUMAN RESOURCES  
3:00 PM – ROOM 215-E**

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