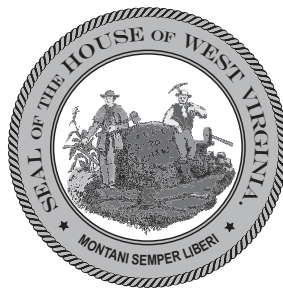


West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Sixth Legislature
First Regular Session

Held at Charleston
Published by the Clerk of the House



February 10, 2023
THIRTY-FIRST DAY

Friday, February 10, 2023

THIRTY-FIRST DAY

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

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

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

The Clerk proceeded to read the Journal of Thursday, February 9, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

Delegate Rohrbach, Chair of the Committee on Prevention and Treatment of Substance Abuse submitted the following report, which was received:

Your Committee on Prevention and Treatment of Substance Abuse has had under consideration:

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

And reports the same back, with amendment, with the recommendation that it do pass, as amended, and with the recommendation that second reference to the Committee on Health and Human Resources be dispensed with, but that it first be referred to the Committee on the Judiciary.

Delegate Householder asked unanimous consent that second reference to the Committee on Health and Human Resources be dispensed with, but that it first be referred to the Committee on the Judiciary, which consent was not given, objection being heard.

Delegate Householder then so moved.

On this motion, the yeas and nays were demanded, which demand was sustained.

Having been ordered, the yeas and nays were taken (**Roll No. 110**), and there were—yeas 72, nays 18, absent and not voting 10, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Butler, Dillon, Fluharty, Foster, Griffith, A. Hall, Hanna, Hansen, Pushkin, Rowe, Sheedy, Skaff, Steele, Vance, Walker, Ward and Young.

Absent and Not Voting: Bridges, Clark, Ellington, Garcia, Jeffries, Lucas, McGeehan, E. Pritt, Riley and Williams.

So, two thirds of the members present having voted in the affirmative, the motion was adopted, and the bill was referred to the Committee on the Judiciary.

Delegate Rohrbach, Chair of the Committee on Prevention and Treatment of Substance Abuse submitted the following report, which was received:

Your Committee on Prevention and Treatment of Substance Abuse has had under consideration:

Com. Sub. for S. B. 243, Requiring substance use disorder inpatient providers to provide transportation to patients,

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

In the absence of objection, reference of the bill (Com. Sub. for S. B. 243) to the Committee on Health and Human Resources was abrogated.

Delegate Rohrbach, Chair of the Committee on Prevention and Treatment of Substance Abuse submitted the following report, which was received:

Your Committee on Prevention and Treatment of Substance Abuse has had under consideration:

Com. Sub. for S. B. 239, Requiring Commissioner of Bureau for Behavioral Health to engage certain providers and leaders to study homeless demographic,

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference to the Committee on Health and Human Resources be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for S. B. 239) to the Committee on Health and Human Resources was abrogated.

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

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

H. B. 2186, Relating to surgical smoke evacuation,

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

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

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

H. B. 2592, To provide safe harbor peer review for nurses,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2592) was referred to the Committee on the Judiciary.

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

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

H. B. 3166, To permit a hospital to hold a patient experiencing a psychiatric emergency for up to 72 hours,

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

In accordance with the former direction of the Speaker, the bill (H. B. 3166) was referred to the Committee on the Judiciary.

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

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

H. B. 2993, Relating to rural emergency hospital licensure,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2993 – “A Bill to amend and reenact §16-5B-14 of the Code of West Virginia, 1931, as amended, relating to rural emergency hospital licensure; defining terms; setting forth licensure standards; permitting a rural emergency hospital to perform certain functions; and providing rulemaking authority,”

H. B. 3200, Authorize DHHR to transfer state facilities to regional mental health centers or intellectual disability facilities,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3200 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §27-2A-2, relating to authorizing the Department of Health and Human Resources to transfer certain properties; permits the department to transfer comprehensive community mental health centers and comprehensive intellectual disability facilities to regional mental health centers or regional intellectual disability facilities; establishing transfer requirements; providing for reversion to the state if the property for certain reasons; permitting the property to be pledged as collateral for a loan; exempts the transfer from the requirements of the Real Estate Division; exempts the transfer from Attorney General scrutiny,”

And,

H. B. 3317, Relating to removing specific continuing education requirements,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3317 – “A Bill to amend and reenact §30-1-7a of the Code of West Virginia, 1931, as amended, relating to removing specific continuing education requirements,”

With the recommendation that the committee substitutes each do pass.

Delegate Martin, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 2630, To allow county councils to change name to county commissions,

And,

H. B. 2842, Repeal municipal license and tax when state license required,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bills (H. B. 2630 and H. B. 2842) were each referred to the Committee on Government Organization.

Delegate Martin, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 3134, To raise the bid thresholds for municipal projects from \$25,000 to \$50,000,

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

In accordance with the former direction of the Speaker, the bill (H. B. 3134) was referred to the Committee on Finance.

Delegate Mazzocchi, Chair of the Committee on Senior, Children, and Family Issues, submitted the following report, which was received:

Your Committee on Senior, Children, and Family Issues has had under consideration:

H. B. 3118, Creating the Parents' Bill of Rights,

And,

H. B. 3163, Revising the definition of attributed support, update the basic child support guidelines, and the calculation of ability to pay,

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

In accordance with the former direction of the Speaker, the bills (H. B. 3118 and H. B. 3163) were each referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration:

H. B. 2839, To make a technical change correcting an incorrect fund name and to clarify the applicability of §22-2-10 to mine lands governed by both §22-3-1 *et seq.* and §22-2-1 *et seq.*,

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

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

Your Committee on Finance has had under consideration:

H. B. 2821, Relating to taxation of gambling and lottery winnings,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2821 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12n, relating to authorizing a decreasing modification reducing federal adjusted gross income for state personal income tax purposes in amount of certain West Virginia gaming and gambling losses, not to exceed the amount of West Virginia gaming and gambling winnings, for that year; requiring detailed records substantiating losses; and placing burden of proving any loss on taxpayer,"

H. B. 2896, Relating to making West Virginia an Agreement State with the U. S. Nuclear Regulatory Commission,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2896 - "A Bill to repeal §16-27-1, §16-27-2, §16-27-3, and §16-27-4 of the Code of West Virginia, 1931, as amended; to repeal §16-34-1, §16-34-2, §16-34-3, §16-34-4, §16-34-5, §16-34-6, §16-34-7, §16-34-8, §16-34-9, §16-34-10, §16-34-11, §16-34-12, §16-34-13, and §16-34-14 of said code; to amend and reenact §18-9E-3 of said code; to amend said code by adding thereto a new article, designated §22-34-1, §22-34-2, §22-34-3, §22-34-4, §22-34-5, §22-34-6, §22-34-7, §22-34-8, §22-34-9, §22-34-10, §22-34-11, §22-34-12, §22-34-13, §22-34-14, §22-34-15, §22-34-16, §22-34-17, §22-34-18, §22-34-19, §22-34-20, and §22-34-21; to amend said code by adding thereto a new article, designated §22-35-1, §22-35-2, §22-35-3, §22-35-4, §22-35-5, §22-35-6, §22-35-7, §22-35-8, §22-35-9, §22-35-10, §22-35-11, §22-35-12, §22-35-13 and §22-35-14; and to amend and reenact §29-1H-3 and §29-1H-5 of said code, all relating to making West Virginia an agreement state with the United States Nuclear Regulatory Commission and transferring authority and responsibility for sources of radiation from other state agencies to the Department of Environmental Protection; establishing a comprehensive regulatory system for the control of sources of radiation for the protection of the public and the environment; creating the Radiation Control Act; providing for declaration of policy and purpose; providing for certain definitions; providing for exemptions; creating the Radiation Advisory Board; providing for the Board's composition, authorities, duties, and for the compensation of members; providing that the Department of Environmental Protection is be designated as the state radiation control agency; providing for the Department's duties, authorities, and requirements for consistency with federal law and regulations; providing for comprehensive programs and

procedures to control radiation through general and specific licensing of radioactive materials and equipment; establishing rule making authority under the Department concerning radiation control; establishing licensing and registration requirements and procedures; establishing fee schedules, funding sources, and forms; transferring existing rules, licenses, policies, agreements, grants, and funding to the Department from other agencies; establishing procedures and requirements regarding perpetual custody of radioactive materials and sureties; providing for the Department to acquire needed real estate interests; providing for a comprehensive program to regulate Radon, and its screening, testing, and mitigation; providing for the regulation of X-ray machines, and providing for reports, fees, and qualifications of such inspectors; creating the Radiation Site Closure and Reclamation Fund with requirements and funding sources; creating the Radiation Licensure and Inspection Fund with requirements and funding sources; allowing for impounding sources of ionizing radiation; providing authority for the Governor and the Department to enter into agreements with the federal government, other states, or interstate agencies; defining effects on local ordinances; providing for administrative procedure and judicial review; defining enforcement procedures regarding violations of law; establishing civil penalties; establishing felonies with criminal penalties; providing for the licensure of radon mitigators, testers, contractors, and laboratories; providing for legislative findings; requiring radon licenses and providing requirements and exemptions; providing for record keeping, rulemaking, and confidentiality; transferring a special revenue fund and other funds to the Department; providing for suspension or revocation of licenses for programs concerning radon and other radioactive materials; continuing an existing misdemeanor with criminal penalties; and providing that the Secretary of the Department of Environmental Protection shall assume responsibilities under the Appalachian States Low-Level Radioactive Waste Compact,”

And,

H. B. 3308, Authorizing PSC consider and issue financing orders to certain utilities to permit the recovery of certain costs through securitization via consumer rate relief bonds,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3308 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §24-2-4h and §24-2-21a, all relating to the authority of the Public Service Commission; authorizing the Public Service Commission of West Virginia to consider and authorize the recovery of certain costs by certain utilities through the issuance of consumer rate relief bonds; providing legislative findings; providing definitions; providing application process for financing order authorizing the recovery of certain costs; requiring certain information in application for financing order; providing for issuance of financing order and information contained therein; allowing for disposition of consumer rate relief property; providing for the effect and term of financing order; providing for subsequent Public Service Commission proceedings and limits on commission authority; providing for duties of certain utilities; providing for application of adjustment mechanism and filing of schedules with commission; providing for nonbypassability of consumer rate relief changes; providing consequences and procedures for utility default; providing for requirements and obligations of successors to certain utilities; providing for security interest in consumer rate relief property and transfer and sale of same; providing for limitation on taxation of consumer rate relief charges and exemption thereto; providing that consumer rate relief bonds are not debt of governmental entities or a pledge of taxing power; providing utility consumer rate relief bonds as legal investment; providing for certain pledge of state; providing for governing law; providing for severability and non-utility status; providing for continued viability of certain bonds; and requiring that utilities must

obtain consent and approval from the Public Service Commission prior to retiring, abandoning, closing, or otherwise permanently rendering incapable of operating certain plants or units,”

With the recommendation that the committee substitutes each do pass.

Delegate Anderson, Chair of the Committee on Energy and Manufacturing, submitted the following report, which was received:

Your Committee on Energy and Manufacturing has had under consideration:

H. R. 12, Encouraging Monongahela Power to purchase Pleasants Power Station,

And reports the same back with the recommendation that it be adopted, but that it first be referred to the Committee Rules.

In accordance with the former direction of the Speaker, the resolution (H. R. 12) was referred to the Committee on Rules.

Delegate Anderson, Chair of the Committee on Energy and Manufacturing, submitted the following report, which was received:

Your Committee on Energy and Manufacturing has had under consideration:

H. B. 3189, The PFAS Protection Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 3189) was referred to the Committee on the Judiciary.

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

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

Com. Sub. for S. B. 188, Grid Stabilization and Security Act of 2023,

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

Messages from the Executive

A communication from His Excellency, the Governor, advised that on February 9, 2023, he approved **Com. Sub. for S. B. 83** and **S. B. 207**.

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for S. B. 216 - “A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to requiring all schools to instruct students on the Holocaust, other genocides, and financial literacy”; which was referred to the Committee on Education then Finance.

A message from the Senate, by

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

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

A message from the Senate, by

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

Com. Sub. for S. B. 424 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-101, §11-13MM-201, §11-13MM-202, §11-13MM-301, §11-13MM-302, §11-13MM-303, §11-13MM-401, §11-13MM-402, §11-13MM-403, §11-13MM-501, §11-13MM-502, §11-13MM-503, §11-13MM-601, §11-13MM-602, §11-13MM-603, §11-13MM-701, §11-13MM-702, §11-13MM-703, §11-13MM-801, §11-13MM-802, §11-13MM-803, §11-13MM-901, §11-13MM-902, §11-13MM-903, §11-13MM-1001, §11-13MM-1002, and §11-13MM-1101; and to amend said code by adding thereto two new sections, designated §11-21-4g, and §11-21-4h, all relating to taxation; creating refundable tax credits on certain species of personal property tax; allowing tax credit to be applied against personal income tax during a taxable year; providing findings and purpose; defining terms; providing for application of tax credit; specifying credit is refundable; specifying effective date; providing for treatment of credit upon sale or transfer of eligible taxable personal property; providing a refundable tax credit on real property for disabled veterans; providing for an annual report; providing for an annual audit; allowing rulemaking; relating to reducing the personal income tax; providing for a reduction in the rate of personal income tax; reducing the rate of tax on composite returns; reducing the rate of withholding tax on nonresident income; providing for an increase in the consumer sales and service tax and service tax and use tax upon the occurrence of certain contingencies; providing that further action of the Legislature is necessary to raise the personal income tax following a reduction; providing findings; requiring notification to taxpayers of changes to sales and service tax and use tax; requiring annual certification to the Governor and legislative leaders of changes to sales and service tax and use tax; requiring reporting to the legislature; providing for rulemaking; and to provide for tax liabilities that existed prior to elimination of personal income tax.”

Delegate Foster having moved that the Senate Message for the bill (Com. Sub. for H. B. 424) be rejected, Delegate Householder moved that the motion be tabled.

The motion to table the motion to reject the Senate Message having been put, the Speaker declared that the “ayes” appeared to have it. The yeas and nays were then demanded, which demand was not sustained.

A message from the Senate, by

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

Com. Sub. for S. B. 495 - “A Bill to amend and reenact §15A-4-8a of the Code of West Virginia, 1931, as amended, relating generally to correctional institutions and juvenile facilities; deeming certain video and audio recordings records and reports to be confidential; creating exceptions to confidentiality; requiring court or administrative tribunal orders directing disclosure to contain a provision limiting disclosure to the purposes necessary to the proceeding and prohibiting unauthorized use and publication; and defining terms”; which was referred to the Committee on the Judiciary.

The Speaker then referred Com. Sub. for S. B. 424 to the Committee on Finance.

Resolutions Introduced

The following resolutions were introduced and severally referred as follows:

By Delegate Holstein:

H. C. R. 23 – “Requesting the Division of Highways name Bridge Number: 03-003/00-033.48 (03A202), (38.06307, -81.57196) locally known as WV 3 WHITE OAK BRIDGE, carrying WV 3 over WHITE OAK CREEK in Boone county, the ‘U.S. Army SGT Theron Turner Memorial Bridge’”; to the Committee on Technology and Infrastructure then Rules

By Delegate Linville:

H. C. R. 24 – “Requesting the Division of Highways name bridge number 06-049/00-008.51 (06A239), locally known as the Decker Adkins Bridge, carrying County Road 49 over Madison Creek in Cabell County, the ‘U. S. Army PFC Herman H. Lucas Memorial Bridge’”; to the Committee on Technology and Infrastructure then Rules

By Delegates Hite, Hardy, Hornby, Horst, Reynolds, Riley, Hanna, Ridenour, Espinosa, Maynor and Garcia:

H. C. R. 25 – “Requesting the Division of Highways name Bridge Numbers: 02-009/00-017.48 (EB & WB) (02A142, 02A143), (39.42463, -77.93802) locally known as OPEQUON CREEK BRIDGE EB & WB, carrying WV 09 over OPEQUON CREEK in Berkeley county, the ‘U. S. Marine Corps, PFC John Louis “Johnny” Brumbaugh, Jr. Memorial Bridge’.”; to the Committee on Technology and Infrastructure then Rules

And,

By Delegate Capito:

H. C. R. 26 – “Requesting the Division of Highways name a bridge bearing the bridge number 40-817/00-001.06 () (40A163), (38.43345, -81.85331) locally known as Battle of Scary Bridge, carrying WV 817 over Scary Creek in Putnam County as the ‘U.S. Army SGT Samuel D. Roberts Sr. Memorial Bridge’; to the Committee on Technology and Infrastructure then Rules

Bills Introduced

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

By Delegate Tully:

H. B. 3355 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3-17, relating to criminalizing the unlawful operation of a bulldozer or heavy equipment”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 3356 - "A Bill to amend the code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-2-14, relating to requiring Medicaid to submit all state plan amendments, waiver submissions, and policy changes to the Legislative Oversight Commission on Health and Human Resources Accountability in advance of submission to the Centers for Medicare and Medicaid Service"; to the Committee on Health and Human Resources.

By Delegate C. Pritt:

H. B. 3357 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-3-20, relating to clarifying that a raised seal is not a prerequisite for a court order to be valid; and to clarify that electronic filing without a raised seal is a permissible form of filing"; to the Committee on the Judiciary.

By Delegate C. Pritt:

H. B. 3358 - "A Bill to amend and reenact §48-2-402 of the Code of West Virginia, 1931, as amended, relating to providing an exemption from marriage and license participation in certain situations"; to the Committee on the Judiciary.

By Delegates Mazzocchi and Phillips:

H. B. 3359 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §19-38-1, §19-38-2, §19-38-3, §19-38-4, §19-38-5, §19-38-6, §19-38-7, and §19-38-8, all relating to agriculture and creating the West Virginia Farm Fresh Dairy Act; providing definitions; exempting certain sales from licensure and certification; setting forth best sanitary milking and milk handling practices; providing for a registration process; setting forth enforcement provisions; setting forth product sales requirements; and providing an effective date"; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegates Kelly and Hott:

H. B. 3360 - "A Bill to amend and reenact §15A-1-9 of the Code of West Virginia, 1931, as amended, relating to the Department of Homeland security; and authorizing the Secretary of the Department of Homeland Security to establish within the department an Office of the Inspector General for the purpose of conducting and supervising investigations and other tasks"; to the Committee on the Judiciary.

By Delegates Rowe and Pushkin:

H. B. 3361 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-13-19b, relating to the allocation of federal funds to county commissions and certain municipalities"; to the Committee on Political Subdivisions then Finance.

By Delegates Riley, Kimble, Honaker, Heckert, Foggin, Ward and Kelly:

H. B. 3362 - "A Bill to amend and reenact §61-2-10b of the Code of West Virginia, 1931, as amended, all relating to adding definition of police service canine and revising definition of law enforcement officer to include police service canine"; to the Committee on the Judiciary.

By Delegates Brooks, Foster, Kump, Hott, Ward, Honaker, Street, Dean, Bridges, Barnhart and Kelly:

H. B. 3363 - "A Bill to amend and reenact §15A-3-10 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-29-1 of this code, relating to recognizing the law-enforcement powers of correctional officers employed by the Division of Corrections and Rehabilitation"; to the Committee on Jails and Prisons then the Judiciary.

By Delegate Storch:

H. B. 3364 - “A Bill to amend and reenact §8-33-4a of the Code of West Virginia, 1931, as amended, relating to the issuance of pension funding revenue bonds; and requiring the closure of certain municipal policemen’s and firemen’s pension and relief funds as condition of issuance of pension funding revenue bonds”; to the Committee on Pensions and Retirement then Finance.

By Delegate Riley:

H. B. 3365 - “A Bill to amend and reenact §5B-2-21 and §24-1-2 of the Code of West Virginia, 1931, as amended, relating to including non-combustion and other fuel sources that are free of carbon dioxide of that use carbon dioxide sequestration in the Economic Development Act of 1985, and to exclude from the definition of ‘public utility’ any subsidiary of a public utility providing electric service within a Certified High Impact Industrial Business Development District”; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegates W. Hall, Shamblin and Rohrbach:

H. B. 3366 – “A Bill to amend and reenact §61-3B-3, §61-3-13, and §61-3-30 the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated §61-10-34; all relating to creating the Property Protection Act; providing a short title; providing a definition; prescribing penalties for various offenses on property; providing exceptions; providing for forfeiture of certain items used in perpetrating such crimes; and updating the criminal code to reflect the changes in penalties; to the Committee on the Judiciary.

By Delegates Butler, Brooks, Dillon, Ward, Longanacre, Burkhammer, Ridenour, Chiarelli, Ross, Hillenbrand and Pinson:

H. B. 3367 - “A Bill amend and reenact §5-5-4b of the Code of West Virginia, 1931, as amended, relating to providing a pay raise to administrative employees, staff, and personnel of the Division of Corrections, Division of Juvenile Services, and the West Virginia Regional Jail and Correctional Facility Authority who have accumulated three years or more years of continuous employment, in order to retain current workers and attract new workers to this field”; to the Committee on Finance.

By Delegates Ridenour and Longanacre:

H. B. 3368 - “A Bill to amend and reenact §18A-3-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §18A-3-2a of said code; both relating to establishing the Troops-to-Teachers program”; to the Committee on Education then Finance.

By Delegates Kelly, Hott, Garcia and Worrell:

H. B. 3369 - “A Bill to amend and reenact §15-2D-1, §15-2D-2 and §15-2D-3 of the Code of West Virginia”; to the Committee on the Judiciary.

By Delegates Howell and Storch:

H. B. 3370 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2N-1, §5B-2N-2, §5B-2N-3, and §5B-2N-4, all relating to the creation of a loan program to be administered by the West Virginia Department of Economic Development for certain properties and developments on U.S. Army Corps of Engineers land, state parks and resorts, and hybrid tourism destinations, wherein the state will co-sign on loans between public and private partnerships; providing for legislative findings and purpose; providing for definitions; establishing the loan program and providing that funding will only be given in the case of default; providing for guidelines and approval by the West Virginia Department of Economic Development, the West Virginia Department of Commerce, and the West Virginia Department of Tourism before a project may be approved for funding; providing for a reporting

requirement; and providing for an effective date”; to the Committee on Economic Development and Tourism then Finance.

Motions

On motion of Delegate Capito, having voted on the prevailing side on yesterday, the House of Delegates reconsidered the passage of **H. B. 2970**.

Delegate Capito asked and obtained unanimous consent to amend the bill on third reading, and the rule was suspended to permit the offering and consideration of such.

On motion of Delegate Capito, the bill was amended on page 1 by striking everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 11. GENERAL PROVISIONS CONCERNING CRIMES.

§61-11-25. Expungement of criminal records for those found not guilty of crimes or against whom charges have been dismissed; expungement of criminal records for those that have successfully completed all requirements of a deferred adjudication or pretrial diversion.

(a) Any person who has been charged with a criminal offense under the laws of this state and who has been found not guilty of the offense, or against whom charges have been dismissed, and not in exchange for a guilty plea to another offense, may file a civil petition in the circuit court in which the charges were filed to expunge all records relating to the arrest, charge or other matters arising out of the arrest or charge. Notwithstanding the provisions of subdivision (a), any person whose charges have been dismissed following a full and successful completion of a pretrial diversion pursuant to §61-11-22 of this code, or whose charges have been dismissed following the full and successful completion of a deferred adjudication pursuant to §61-11-22a of this code, may file a civil petition in the circuit court in which the dismissed charges were filed to expunge all records relating to the arrest, charges or other matters arising out of the arrest or charges: *Provided*, That no record in the Division of Motor Vehicles may be expunged by virtue of any order of expungement entered pursuant to §17C-5-2b of this code nor may any charges ultimately dismissed by way of full and successful completion of any deferred adjudication be expunged for violations of §61-8B-1, *et seq.*, §61-8D-1, *et seq.*, §61-2-28(a) or §61-2-28(b) of this code, or for violations of §61-2-9(b) or §61-2-9(c) of this code where the alleged victim is a family or household member as defined in §48-27-204: *Provided, further*, That any person who has previously been convicted of a felony may not file a petition for expungement pursuant to this section. The term records as used in this section includes, but is not limited to, arrest records, fingerprints, photographs, index references or other data whether in documentary or electronic form, relating to the arrest, charge or other matters arising out of the arrest or charge. Criminal investigation reports and all records relating to offenses subject to the provisions of §15-12-1 *et seq.* of this code because the person was found not guilty by reason of mental illness, mental retardation or addiction are exempt from the provisions of this section.

(b) The expungement petition shall be filed not sooner than 60 days following the order of acquittal or dismissal by the court. Any court entering an order of acquittal or dismissal shall inform the person who has been found not guilty or against whom charges have been dismissed of his or her rights to file a petition for expungement pursuant to this section.

(c) Following the filing of the petition, the court may set a date for a hearing. If the court does so, it shall notify the prosecuting attorney and the arresting agency of the petition and provide an opportunity for a response to the expungement petition.

(d) If the court finds that there are no current charges or proceedings pending relating to the matter for which the expungement is sought, the court may grant the petition and order the sealing of all records in the custody of the court and expungement of any records in the custody of any other agency or official including law enforcement records. Every agency with records relating to the arrest, charge or other matters arising out of the arrest or charge, that is ordered to expunge records, shall certify to the court within 60 days of the entry of the expungement order, that the required expungement has been completed. All orders enforcing the expungement procedure shall also be sealed.

(e) Upon expungement, the proceedings in the matter shall be ~~deemed~~ considered never to have occurred. The court and other agencies shall reply to any inquiry that no record exists on the matter. The person whose record is expunged shall may not have to disclose the fact of the record or any matter relating thereto on an application for employment, credit or other type of application.

(f) Inspection of the sealed records in the court's possession may thereafter be permitted by the court only upon a motion by the person who is the subject of the records or upon a petition filed by a prosecuting attorney that inspection and possible use of the records in question are necessary to the investigation or prosecution of a crime in this state or another jurisdiction. If the court finds that the interests of justice will be served by granting the petition, it may be granted.

(g) There shall may be no filing fees charged or costs assessed for filing an action pursuant to this section.”

Having been engrossed, the bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 111**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Clark, Ellington, Jeffries, McGeehan, E. Pritt and Skaff.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2970) passed.

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

H. B. 2970 - “A Bill to amend and reenact §61-11-25 of the Code of West Virginia, 1931, as amended, relating to general provisions concerning crimes; expungement of criminal records; and when a civil action may be filed to expunge criminal records, also relating to expungement of certain criminal records concerning crimes that have been addressed through deferred adjudication and pretrial diversion, also relating to excluding certain crimes from eligibility for expungement even though a deferred adjudication has been successfully completed.”

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

Special Calendar**Third Reading**

Com. Sub. for H. B. 2218, Distracted Driving Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 112**), and there were—yeas 88, nays 6, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Butler, Crouse, Dean, Gearheart, A. Hall and Maynor.

Absent and Not Voting: Bridges, Clark, Ellington, Jeffries, McGeehan and E. Pritt.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2218) passed.

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

Com. Sub. for H. B. 2832, Clarifying appropriate and inappropriate duties for school counselors while also providing the definition of a school counselor; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 113**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Clark, Ellington, Hite, Jeffries, McGeehan and E. Pritt.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2832) passed.

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

H. B. 2882, Making a supplemental appropriation to the Department of Economic Development; on third reading, coming up in regular order, was read a third time.

Delegate Pushkin arose to a point of order regarding the remarks of Delegate Kirby not being directed to the Speaker.

The Speaker ruled the point well taken.

Delegate Hardy arose to a point of order regarding the questioning of Delegate Linville by Delegate Ridenour not pertaining to the bill before the House.

The Speaker ruled the point well taken.

Delegate Rowe moved to be permitted to speak a second time.

On this motion, the yeas and nays were taken (**Roll No. 114**), and there were—yeas 18, nays 74, absent and not voting 8, with the yeas and the absent and not voting being as follows:

Yeas: Anderson, Butler, Dean, Fluharty, Foster, Garcia, Griffith, Hanna, Hansen, Hornbuckle, Howell, Pushkin, Rowe, Skaff, Walker, Williams, Young and Zatezalo.

Absent and Not Voting: Bridges, Clark, Ellington, Forsht, Jeffries, McGeehan, E. Pritt and Steele.

So, two thirds of the members present not having voted in the affirmative, the motion was rejected.

On the passage of the bill, the yeas and nays were taken (**Roll No. 115**), and there were—yeas 69, nays 25, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Brooks, Burkhammer, Butler, Chiarelli, Coop-Gonzalez, Crouse, Dean, Dillon, Fast, Foster, Gearheart, A. Hall, Holstein, Kimble, Kirby, Longanacre, Martin, Phillips, C. Pritt, Ridenour, Ross, Smith, Thorne, Vance and Worrell.

Absent and Not Voting: Bridges, Clark, Ellington, Jeffries, McGeehan and E. Pritt.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2882) passed.

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

On this question, the yeas and nays were taken (**Roll No. 116**), and there were—yeas 79, nays 15, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Brooks, Burkhammer, Butler, Chiarelli, Coop-Gonzalez, Dillon, Foster, A. Hall, Kimble, Kirby, Longanacre, C. Pritt, Ross, Vance and Worrell.

Absent and Not Voting: Bridges, Clark, Ellington, Jeffries, McGeehan and E. Pritt.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2882) takes effect from its passage.

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

Com. Sub. for H. B. 3130, Creating the Coalfields Energy Research and Economic Development Authority; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 117**), and there were—yeas 70, nays 23, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Brooks, Burkhammer, Butler, Chiarelli, Coop-Gonzalez, Dean, Dillon, Fast, Foggin, Foster, A. Hall, Hillenbrand, Hite, Kirby, Longanacre, Martin, Reynolds, Ridenour, Ross, Sheedy, Thorne, Vance and Worrell.

Absent and Not Voting: Bridges, Clark, Ellington, Jeffries, McGeehan, E. Pritt and Zatezalo.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3130) passed.

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

Com. Sub. for H. B. 3145, Recognizing the Commission on Uniform State Laws as a presumptive provider of continuing legal education; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 118**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Clark, Ellington, Jeffries, McGeehan, E. Pritt and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3145) passed.

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

Second Reading

Com. Sub. for H. B. 2075, To provide a means to classify when medications should be continued or stopped for patients; on second reading, coming up in regular order, was reported by the Clerk.

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

Com. Sub. for H. B. 2621, Relating generally to bail bondsman; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Burkhammer and Householder, the bill was amended on page 1, by striking everything after the enacting clause and inserting in lieu thereof the following:

“CHAPTER 33 INSURANCE

ARTICLE 1. DEFINITIONS

§33-1-10. Kinds of insurance defined.

The following definitions of kinds of insurance are not mutually exclusive and, if reasonably adaptable thereto, a particular coverage may be included under one or more of such definitions:

(a) *Life insurance*. — Life insurance is insurance on human lives including endowment benefits, additional benefits in the event of death or dismemberment by accident or accidental means, additional benefits for disability and annuities.

(b) *Accident and sickness.* — Accident and sickness insurance is insurance against bodily injury, disability or death by accident or accidental means, or the expense thereof, or against disability or expense resulting from sickness and insurance relating thereto. Group credit accident and health insurance may also include loss of income insurance which is insurance against the failure of a debtor to pay his or her monthly obligation due to involuntary loss of employment. For the purposes of this definition, involuntary loss of employment means the debtor loses employment income (salary or wages) as a result of unemployment caused by individual or mass layoff, general strikes, labor disputes, lockout or termination by employer for other than willful or criminal misconduct. Any or all of the above-mentioned perils may be included in an insurance policy, at the discretion of the policyholder.

(c) *Fire.* — Fire insurance is insurance on real or personal property of every kind and interest therein, against loss or damage from any or all hazard or cause, and against loss consequential upon such loss or damage, other than noncontractual liability for any such loss or damage. Fire insurance shall also include miscellaneous insurance as defined in ~~paragraph (12), subdivision (e) of this section~~ §33-1-10(e)(12) of this code.

(d) *Marine insurance is insurance:*

(1) Against any and all kinds of loss or damage to vessels, craft, aircraft, cars, automobiles and vehicles of every kind, as well as all goods, freight, cargoes, merchandise, effects, disbursements, profits, moneys, bullion, precious stones, securities, choses in action, evidences of debt, valuable papers, bottomry and respondentia interests and all other kinds of property and interests therein, in respect to, appertaining to or in connection with any and all risks or perils of navigation, transit or transportation, including war risks, on or under any seas or other waters, on land (above or below ground), or in the air, or while being assembled, packed, crated, baled, compressed or similarly prepared for shipment or while awaiting the same or during any delays, storage, transshipment, or reshipment incident thereto, including marine builders' risks and all personal property floater risks;

(2) Against any and all kinds of loss or damage to person or to property in connection with or appertaining to a marine, inland marine, transit or transportation insurance, including liability for loss of or damage to either, arising out of or in connection with the construction, repair, operation, maintenance or use of the subject matter of such insurance (but not including life insurance or surety bonds nor insurance against loss by reason of bodily injury to the person arising out of the ownership, maintenance or use of automobiles);

(3) Against any and all kinds of loss or damage to precious stones, jewels, jewelry, gold, silver and other precious metals, whether used in business or trade or otherwise and whether the same be in course of transportation or otherwise;

(4) Against any and all kinds of loss or damage to bridges, tunnels and other instrumentalities of transportation and communication (excluding buildings, their furniture and furnishings, fixed contents and supplies held in storage) unless fire, windstorm, sprinkler leakage, hail, explosion, earthquake, riot or civil commotion or any or all of them are the only hazards to be covered;

(5) Against any and all kinds of loss or damage to piers, wharves, docks and ships, excluding the risks of fire, windstorm, sprinkler leakage, hail, explosion, earthquake, riot and civil commotion and each of them;

(6) Against any and all kinds of loss or damage to other aids to navigation and transportation, including dry docks and marine railways, dams and appurtenant facilities for control of waterways; and

(7) Marine protection and indemnity insurance, which is insurance against, or against legal liability of the insured for, loss, damage or expense arising out of, or incident to, the ownership, operation, chartering, maintenance, use, repair or construction of any vessel, craft or instrumentality in use in ocean or inland waterways, including liability of the insured for personal injury, illness or death or for loss of or damage to the property of another person.

(e) *Casualty*. — Casualty insurance includes:

(1) Vehicle insurance, which is insurance against loss of or damage to any land vehicle or aircraft or any draft or riding animal or to property while contained therein or thereon or being loaded therein or therefrom, from any hazard or cause, and against any loss, liability or expense resulting from or incident to ownership, maintenance or use of any such vehicle, aircraft or animal; together with insurance against accidental death or accidental injury to individuals, including the named insured, while in, entering, alighting from, adjusting, repairing or cranking, or caused by being struck by any vehicle, aircraft or draft or riding animal, if such insurance is issued as a part of insurance on the vehicle, aircraft or draft or riding animal;

(2) Liability insurance, which is insurance against legal liability for the death, injury or disability of any human being, or for damage to property; and provisions for medical, hospital, surgical, disability benefits to injured persons and funeral and death benefits to dependents, beneficiaries or personal representatives of persons killed, irrespective of legal liability of the insured, when issued as an incidental coverage with or supplemental to liability insurance;

(3) Burglary and theft insurance, which is insurance against loss or damage by burglary, theft, larceny, robbery, forgery, fraud, vandalism, malicious mischief, confiscation, or wrongful conversion, disposal or concealment, or from any attempt at any of the foregoing, including supplemental coverages for medical, hospital, surgical and funeral benefits sustained by the named insured or other person as a result of bodily injury during the commission of a burglary, robbery or theft by another; also insurance against loss of or damage to moneys, coins, bullion, securities, notes, drafts, acceptances or any other valuable papers and documents resulting from any cause;

(4) Personal property floater insurance, which is insurance upon personal effects against loss or damage from any cause;

(5) Glass insurance, which is insurance against loss or damage to glass, including its lettering, ornamentation and fittings;

(6) Boiler and machinery insurance, which is insurance against any liability and loss or damage to property or interest resulting from accidents to or explosion of boilers, pipes, pressure containers, machinery or apparatus and to make inspection of and issue certificates of inspection upon boilers, machinery and apparatus of any kind, whether or not insured;

(7) Leakage and fire extinguishing equipment insurance, which is insurance against loss or damage to any property or interest caused by the breakage or leakage of sprinklers, hoses, pumps and other fire extinguishing equipment or apparatus, water mains, pipes and containers,

or by water entering through leaks or openings in buildings, and insurance against loss or damage to such sprinklers, hoses, pumps and other fire extinguishing equipment or apparatus;

(8) Credit insurance, which is insurance against loss or damage resulting from failure of debtors to pay their obligations to the insured. Credit insurance shall include loss of income insurance which is insurance against the failure of a debtor to pay his or her monthly obligation due to involuntary loss of employment. For the purpose of this definition, involuntary loss of employment means the debtor loses employment income (salary or wages) as a result of unemployment caused by individual or mass layoff, general strikes, labor disputes, lockout or termination by employer for other than willful or criminal misconduct; any or all of the above-mentioned perils may be included in an insurance policy, at the discretion of the policyholder;

(9) Malpractice insurance, which is insurance against legal liability of the insured and against loss, damage or expense incidental to a claim of such liability, and including medical, hospital, surgical and funeral benefits to injured persons, irrespective of legal liability of the insured arising out of the death, injury or disablement of any person, or arising out of damage to the economic interest of any person, as the result of negligence in rendering expert, fiduciary or professional service;

(10) Entertainment insurance, which is insurance indemnifying the producer of any motion picture, television, radio, theatrical, sport, spectacle, entertainment or similar production, event or exhibition against loss from interruption, postponement or cancellation thereof due to death, accidental injury or sickness of performers, participants, directors or other principals;

(11) Mine subsidence insurance as provided for in article thirty of this chapter;

(12) Miscellaneous insurance, which is insurance against any other kind of loss, damage or liability properly a subject of insurance and not within any other kind of insurance as defined in this chapter, if such insurance is not disapproved by the commissioner as being contrary to law or public policy; and

(13) Federal flood insurance, which is insurance provided by the federal insurance administration or by private insurers through the write your own program within the national flood insurance program, instituted by the federal insurance administration pursuant to the provision of 42 U.S.C. §4071, on real or personal property of every kind and interest therein, against loss or damage from flood or mudslide and against loss consequential to such loss or damage, other than noncontractual liability for any loss or damage.

(14) Workers' compensation insurance, which is insurance providing all compensation and benefits required by chapter ~~twenty-three~~ 23 of this code.

(f) *Surety*. — Surety insurance includes:

(1) Fidelity insurance, which is insurance guaranteeing the fidelity of persons holding positions of public or private trust;

(2) Insurance guaranteeing the performance of contracts, other than insurance policies, and guaranteeing and executing bonds, undertakings and contracts of surety ship: *Provided*, That surety insurance does not include the guaranteeing and executing of bonds ~~by professional bondsmen in criminal cases~~ or by individuals not in the business of becoming a surety for compensation upon bonds;

(3) Insurance indemnifying banks, bankers, brokers, financial or moneyed corporations or associations against loss, resulting from any cause, of bills of exchange, notes, bonds, securities, evidences of debt, deeds, mortgages, warehouse receipts or other valuable papers, documents, money, precious metals and articles made therefrom, jewelry, watches, necklaces, bracelets, gems, precious and semiprecious stones, including any loss while they are being transported in armored motor vehicles or by messenger, but not including any other risks of transportation or navigation, and also insurance against loss or damage to such an insured's premises or to his or her furnishings, fixtures, equipment, safes and vaults therein, caused by burglary, robbery, theft, vandalism or malicious mischief, or any attempt to commit such crimes; and

(4) Title insurance, which is insurance of owners of property or others having an interest therein, or liens or encumbrances thereon, against loss by encumbrance, defective title, invalidity or adverse claim to title.

CHAPTER 51. COURTS AND THEIR OFFICERS

ARTICLE 10. PROFESSIONAL BONDSMEN IN CRIMINAL CASES.

§51-10-1. DEFINITIONS.

When used in this article:

'Approved securities' means cash, irrevocable letter of credit, a bond issued by an insurance company licensed and in good standing in this state, or a qualified power of attorney issued by an insurer pursuant to a producer underwriting agreement, or real estate located in in this state that is unencumbered in, at least, the amount of minimum financial responsibility required as set forth by the insurance commissioner: *Provided*, That a pledge of real estate by a bondsman as an approved security shall not be permitted on or after July 1, 2023: *Provided, however*, That a bondsman who is licensed by the commissioner as of July 1, 2023 and has pledged real estate as security to conduct bonding business may continue to operate as a bondsman until his or her license is voluntarily surrendered or revoked by the commissioner.

(1) 'Bonding business' means the business of becoming surety for compensation upon bonds in criminal cases in the State of West Virginia;

(2) 'Bondsman' means ~~(A) any person engaged in the bonding business that has satisfied the requirements for, and is duly licensed as, an insurance producer with a property and casualty line of authority as set forth by the Insurance Commissioner and §33-12-1, et seq. of this code; or~~ (B) any person who is approved and licensed under the provisions of this article who pledges cash or approved securities with the commissioner as security for bail bonds written in connection with a judicial proceeding and receives or is promised money or other things of value for the pledge;

(3) 'Commissioner' means the Insurance Commissioner of West Virginia, as defined in §33-1-5 of this code; and

(4) 'Insurer' means any domestic, foreign, or alien person, including a surety company, which has been qualified generally to transact surety business in the State of West Virginia.

§51-10-8. Qualifications of bondsmen; rules to be prescribed by Insurance Commissioner; bondsman filing requirements; bondsman license renewal requirements; criminal penalty for filing false affidavit; list of bondsmen kept and provided to places of detention by Insurance Commissioner; requiring all bondsmen to be licensed by Insurance Commissioner after July 1, 2022.

(a) The commissioner shall promulgate and propose legislative rules for promulgation under §29A-3-1, *et seq.* of this code, to carry out the intent, administration, and enforcement of this article. The commissioner may promulgate any emergency rules under §29A-3-15 of this code necessary to carry out the intent, administration, and enforcement of this article. The commissioner shall develop all forms, contracts, or other documents to be used for the purposes outlined in this article.

(b) The rules required by subsection (a) of this section shall specify the qualifications that a person must have when applying to be a bondsman, and the terms and conditions upon which the bonding business may be conducted. The commissioner shall require a biennial fee of \$200 for all bondsmen licensed under this article.

(c) The commissioner, in promulgating and proposing rules required by subsection (a) of this section, and in granting a license to a person to engage in the bonding business, shall take into consideration both the financial responsibility and the moral qualities of the person applying, and a person who has been convicted of any offense involving moral turpitude, or who is not known to be a person of good moral character ~~shall~~ may not be licensed.

(d) The applicant shall provide the commissioner a qualifying power-of-attorney from a licensed insurer or surety company or pledge cash or approved securities with the commissioner as security for bail bonds.

(e) The applicant shall comply with the provisions of §33-12-37 of this code regarding criminal history record checks.

(f) The commissioner shall require every bondsman licensed to engage in the bonding business as a principal to file with the commissioner a list showing the name, age, and residence of each person employed by the bondsman as an agent, clerk, or representative in the bonding business, and require an affidavit from each of the persons stating that the person will abide by the terms and provisions of this article.

(g) The commissioner shall formulate testing and continuing education requirements for all applicants and license renewals.

~~(g)~~ (h) (1) The commissioner shall require a person licensed as a bondsman to renew his or her license every two years and to file an affidavit stating that since his or her previous license to engage in the bonding business he or she has abided by the provisions of this article.

(2) A person who files a false affidavit is guilty of false swearing and, upon conviction thereof, shall be punished as provided by law for the offense.

~~(3) A person seeking to renew his or her license to engage in the bonding business shall submit to the property and casualty requirements under section (d) of this section for each renewal, unless he or she has voluntarily terminated his or her license to engage in the bonding business~~

~~(h)~~ (i) The commissioner shall keep a list of all bondsmen and, upon the request of a place of detention listed under §51-10-6 of this code, furnish an alphabetical list of all licensed bondsmen to the jail.

(j) After July 1, 2022, a person ~~shall~~ may not, either as principal, or as agent, clerk, or representative of an agent, engage in the bonding business unless licensed by the commissioner under this section.”

The bill was then ordered to engrossment and third reading.

H. B. 2899, Repealing two sections of code relating to gas utility rates; on second reading, coming up in regular order, was read a second time.

Delegate Fluharty moved to amend the bill, on page 1, on page 1, following the Article 2B Section heading, by striking out the remainder of the bill and inserting in lieu thereof, the following:

“§24-2B-1. TEMPORARY SUSPENSION OF RATE INCREASES.

Pursuant to the findings contained in subsections (h) and (i) of section one, article one of this chapter and in order to permit the Public Service Commission ~~to implement the provisions of Enrolled Committee Substitute for S.B. 117 enacted by the Legislature during the regular session thereof in the year one thousand nine hundred eighty-three~~ and notwithstanding any other provision of this chapter, upon the effective date of this article, as enacted during the 2023 Regular Session of the Legislature, the commission shall authorize no increase of rates charged by any utility for natural gas or electricity to any customer of any class for a period of twelve months. With respect to cases for rate increases which are pending before the commission on the effective date of this section, such cases may be suspended by the commission and held in abeyance by the commission during the pendency of the period of suspension mandated by this section or any such cases may proceed to completion and the commission may rule thereon upon the same to the same extent as if this section had not been enacted, all within the sound discretion of the commission.

~~The commission may authorize such gas rate increases during the period of suspension of rate increases mandated by this section as it may deem proper by reason of increased costs of purchased gas.~~ The commission may consider in determining whether to authorize such rate increases the purchase and use of West Virginia gas or electricity by such utilities if such gas or electricity were available at a cheaper rate than other gas or electricity actually purchased by such utilities

§24-2B-2. Emergency rate increase; financial hardship procedure.

During the period of temporary suspension of rates generally, as provided herein, the commission may upon petition by a utility allow an emergency rate to take effect, subject to future modification by the commission and subject to refund to the customers of such utility, if it is determined that such emergency rate is necessary to protect the utility from extreme financial hardship and if that financial hardship is attributable solely to the temporary suspension of rate increases. The commission shall provide by rule and regulation criteria for determination of extreme financial hardship within the meaning of this section. Such petition shall be subject to the same notice requirements as set forth in article two, section four-a of this chapter.”

Delegate Householder arose to inquire of the Chair regarding the germaneness of the amendment.

The Speaker ruled that the amendment was not germane.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 3111, Creating Infrastructure Ready Jurisdictions; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3199, Relating to removing the requirement that an ectopic pregnancy be reported; on second reading, coming up in regular order, was reported by the Clerk.

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

H. B. 3268, Add protections for WV residents who reside out of state for certain time periods from non-renewal of licenses and registration; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 3306, Relating to the organizational structure of the Office of Drug Control Policy; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3307, Establishing the West Virginia-Ireland Trade Commission; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

Com. Sub. for H. B. 2005, Establishing the dual enrollment pilot program to be administered by the Higher Education Policy Commission and the Council for Community and Technical College Education in conjunction with the State Board of Education,

Com. Sub. for H. B. 2006, Relating to reorganizing the Department of Health and Human Resources,

H. B. 2309, To require the Division of Forestry to create an online renewal process no later than July 1, 2023,

Com. Sub. for H. B. 2540, Travel Insurance Model Act,

Com. Sub. for H. B. 2605, Relating to Good Samaritan law,

Com. Sub. for H. B. 2817, Relating to Public Service Commission jurisdiction over alternative fuel for motor vehicles,

Com. Sub. for H. B. 3044, Relating to the annual fee for limited video lottery terminal permits,

Com. Sub. for H. B. 3098, To eliminate the WV General Summative Assessment and replace it with a formative assessment given three times a year,

Com. Sub. for H. B. 3113, Requiring high school students to complete course of study in personal finance,

Com. Sub. for H. B. 3122, Permitting certain types of rifles using an encapsulated propellant charge that loads from the breech,

Com. Sub. for H. B. 3210, Relating to the performance of installation of propane gas systems,

Com. Sub. for H. B. 3261, Relating to Social Workers Qualifications,

H. B. 3272, Relating to the operation of private trust companies in West Virginia,

Com. Sub. for H. B. 3302, To recognize unborn child as distinct victim in a DUI causing death,

Com. Sub. for H. B. 3311, Relating to wine alcohol by volume as compared to beer,

And,

Com. Sub. for H. B. 3318, Relating to location of services provided by the Workforce Development Board as related to the one-stop delivery system.

Leaves of Absence

At the request of Delegate Householder, and by unanimous consent, leaves of absence for the day were granted Delegates Bridges, Clark, Ellington, Jeffries, McGeehan and E. Pritt.

Miscellaneous Business

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

H. B. 2030: Delegates Fluharty, Garcia, Griffith, Hansen, Pushkin, Rowe, Skaff, Walker, Williams and Young;

H. B. 2202: Delegate Young;

H. B. 2329: Delegate Hillenbrand;

H. B. 2471: Delegates Burkhammer and Butler;

H. B. 2821: Delegate Storch;

H. B. 2881: Delegate Espinosa;

H. B. 3014: Delegate Ward;

H. B. 3202: Delegate Holstein;

H. B. 3214: Delegates Storch and Young;

And,

H. B. 3305: Delegate Young.

Pursuant to House Rule 94b, a form was filed with the Clerk's Office to be removed as a cosponsor of the following:

H. B. 2542: Delegate Nestor.

At 12:25 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, February 13, 2023.

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

SPECIAL CALENDAR

Monday, February 13, 2023

34th Day

11:00 A. M.

THIRD READING

- Com. Sub. for H. B. 2621 - Relating generally to bail bondsman (CAPITO) (REGULAR)
- H. B. 2899 - Repealing two sections of code relating to gas utility rates (LINVILLE) (REGULAR)
- Com. Sub. for H. B. 3111 - Creating Infrastructure Ready Jurisdictions (LINVILLE) (REGULAR)
- H. B. 3268 - Add protections for WV residents who reside out of state for certain time periods from non-renewal of licenses and registration (LINVILLE) (JULY 1, 2023)
- Com. Sub. for H. B. 3306 - Relating to the organizational structure of the Office of Drug Control Policy (SUMMERS) (REGULAR)
- H. B. 3307 - Establishing the West Virginia-Ireland Trade Commission (HOWELL) (REGULAR)

SECOND READING

- Com. Sub. for H. B. 2005 - Establishing the dual enrollment pilot program to be administered by the Higher Education Policy Commission and the Council for Community and Technical College Education in conjunction with the State Board of Education (CRISS) (REGULAR)
- Com. Sub. for H. B. 2006 - Relating to reorganizing the Department of Health and Human Resources (CRISS) (REGULAR)
- Com. Sub. for H. B. 2075 - To provide a means to classify when medications should be continued or stopped for patients (SUMMERS) (REGULAR)
- H. B. 2309 - To require the Division of Forestry to create an online renewal process no later than July 1, 2023 (PHILLIPS) (REGULAR)
[GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING]
- Com. Sub. for H. B. 2540 - Travel Insurance Model Act (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2605 - Relating to Good Samaritan law (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2817 - Relating to Public Service Commission jurisdiction over alternative fuel for motor vehicles (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3044 - Relating to the annual fee for limited video lottery terminal permits (CRISS) (EFFECTIVE FROM PASSAGE)

- Com. Sub. for H. B. 3098 - To eliminate the WV General Summative Assessment and replace it with a formative assessment given three times a year (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 3113 - Requiring high school students to complete course of study in personal finance (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 3122 - Permitting certain types of rifles using an encapsulated propellant charge that loads from the breech (CAPITO) (REGULAR)
- H. B. 3199 - Relating to removing the requirement that an ectopic pregnancy be reported (SUMMERS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 3210 - Relating to the performance of installation of propane gas systems (PHILLIPS) (REGULAR)
- Com. Sub. for H. B. 3261 - Relating to Social Workers Qualifications (PHILLIPS) (REGULAR)
- H. B. 3272 - Relating to the operation of private trust companies in West Virginia (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3302 - To recognize unborn child as distinct victim in a DUI causing death (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3311 - Relating to wine alcohol by volume as compared to beer (PHILLIPS) (REGULAR)
- Com. Sub. for H. B. 3318 - Relating to location of services provided by the Workforce Development Board as related to the one-stop delivery system (PHILLIPS) (REGULAR)

FIRST READING

- Com. Sub. for S. B. 188 - Grid Stabilization and Security Act of 2023 (HOWELL) (REGULAR)
- Com. Sub. for S. B. 239 - Requiring Commissioner of Bureau for Behavioral Health to engage certain providers and leaders to study homeless demographic (ROHRBACH) (REGULAR)
- Com. Sub. for S. B. 243 - Requiring substance use disorder inpatient providers to provide transportation to patients (ROHRBACH) (REGULAR) [PREVENTION AND TREATMENT OF SUBSTANCE ABUSE COMMITTEE AMENDMENT PENDING]
- H. B. 2186 - Relating to surgical smoke evacuation (SUMMERS) (REGULAR)
- Com. Sub. for H. B. 2821 - Relating to taxation of gambling and lottery winnings (CRISS) (REGULAR)
- H. B. 2839 - To make a technical change correcting an incorrect fund name and to clarify the applicability of §22-2-10 to mine lands governed by both §22-3-1 et seq. and §22-2-1 et seq. (CRISS) (REGULAR)

- Com. Sub. for H. B. 2896 - Relating to making West Virginia an Agreement State with the U. S. Nuclear Regulatory Commission (CRISS) (REGULAR)
- Com. Sub. for H. B. 2993 - Relating to rural emergency hospital licensure (SUMMERS) (REGULAR)
- Com. Sub. for H. B. 3200 - Authorize DHHR to transfer state facilities to regional mental health centers or intellectual disability facilities (SUMMERS) (REGULAR)
- Com. Sub. for H. B. 3308 - Authorizing PSC consider and issue financing orders to certain utilities to permit the recovery of certain costs through securitization via consumer rate relief bonds (CRISS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 3317 - Relating to removing specific continuing education requirements (SUMMERS) (EFFECTIVE FROM PASSAGE)

HOUSE CALENDAR

Monday, February 13, 2023

34th Day

11:00 A. M.

SECOND READING

- Com. Sub. for H. B. 2017 - Relating to service of process in child abuse cases (CAPITO)
(REGULAR)
- Com. Sub. for H. B. 2196 - To remove opioid treatment programs from requiring a certificate
of need (SUMMERS) (EFFECTIVE FROM PASSAGE)
- 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

MONDAY, FEBRUARY 13, 2023

HOUSE CONVENES AT 11:00 A.M.

**COMMITTEE ON THE JUDICIARY
9:30 AM – ROOM 410-M**

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

**COMMITTEE ON GOVERNMENT ORGANIZATION
1:00 PM – ROOM 215-E**

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

**COMMITTEE ON FINANCE
3:00 PM – ROOM 460-M**

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