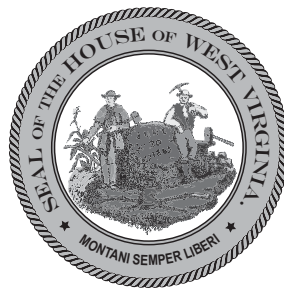


West Virginia Legislature

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February 13, 2023
THIRTY-FOURTH DAY

Monday, February 13, 2023

THIRTY-FOURTH DAY

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

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

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

The Clerk proceeded to read the Journal of Friday, February 10, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

H. B. 3271, Relating to increasing monitoring of special education classrooms,

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

In accordance with the former direction of the Speaker, the bill (H. B. 3271) was referred to the Committee on the Judiciary.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

H. B. 3218, To require suicide prevention resources be printed on student identification cards at any school that issues identification cards for students in grades 6-12 in public schools and for students in a public or private institution of higher education,

And,

S. B. 275, Adding State Fire Marshals to statute included with law enforcement and first responders that receive information on school safety requirements,

And reports the same back with the recommendation that they each do pass.

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

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

H. B. 3215, Relating to land use,

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

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

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

H. B. 3328, Authorizing the Hatfield-McCoy Regional Recreation Authority to contract to build and maintain trails on privately owned property,

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

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

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

H. B. 3093, Creating a tax credit against the corporate net income tax for companies paying moving expenses of employees to West Virginia,

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

In accordance with the former direction of the Speaker, the bill (H. B. 3093) was referred to the Committee on Finance.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 3133, Create a credit against the severance tax to encourage private companies to make infrastructure improvements to highways, roads and bridges in this state,

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

In accordance with the former direction of the Speaker, the bill (H. B. 3133) was referred to the Committee on Finance.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 2801, Relating to Social Media privacy and educational institutions,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2801) was referred to the Committee on the Judiciary.

Messages from the Senate

A message from the Senate, by

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

H. B. 2602, Reestablishing certain specialized school service personnel classifications.

A message from the Senate, by

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

S. B. 234 - "A Bill to amend and reenact §3-2-6 of the Code of West Virginia, 1931, as amended, relating to clarifying the uniform statewide deadline for electronically submitted voter registration applications"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2023, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 250 - "A Bill to amend and reenact §17B-2-3a of the Code of West Virginia, 1931, as amended, relating to require certain drivers in the graduated driver's license program to display a student driver sign; specifying sign requirement; authorizing Division of Motor Vehicles to distribute and provide information on signs; making violators subject to penalties; and providing for limited court-related cost and fee exemption"; which was referred to the Committee on Technology and Infrastructure.

A message from the Senate, by

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

Com. Sub. for S. B. 302 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-15-1, relating to the creation of the Law Enforcement Safety Act; and requiring West Virginia law-enforcement agencies to index felony warrants with the National Crime Information Center (NCIC)"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 484 - "A Bill to amend the Code of West Virginia, 1931, as amended; and by adding thereto a new section designated §61-10-35, relating to creating the criminal offense of human smuggling; defining terms; clarifying that each person smuggled constitutes a separate offense; acknowledging prohibition against police action based on race or ethnic origin; and establishing criminal penalties"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 490 - "A Bill to amend the Code of West Virginia 1931, as amended, by adding thereto a new section, designated §61-5-17a, relating to creating the offense of knowingly and willfully obstructing a law enforcement officer, probation officer, parole officer, courthouse security officer, correctional officer, the State Fire Marshal, a deputy or assistant fire marshal, firefighter, or emergency medical service personnel engaged in their official duties and thereby proximately causing the death of the person acting in his or her official capacity; and establishing the penalty therefor"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 493 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-23, relating to the development of an incentive plan for West Virginia veterans which includes reductions and discounts in fees and charges at state parks"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 515 - "A Bill to amend and reenact §59-1-2a of the Code of West Virginia, 1931, as amended, relating to clarifying the deadline to file an annual report for corporations, limited partnerships, domestic limited liability partnerships, and foreign limited liability companies; permitting assessment of bad check fee for providing invalid account number; authorizing Secretary of State to waive new business registration fees at certain events; requiring disclaimers and disclosures on third party, nongovernment solicitations of services for filing business annual reports with the Secretary of State; and creating criminal and civil penalties for failure to comply with disclaimers and disclosure requirements"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

S. B. 529 - "A Bill to amend and reenact §47B-10-3 of the Code of West Virginia, 1931, as amended, relating to allowing for the formation of limited liability limited partnerships"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 532 - "A Bill to amend and reenact §15-12-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §49-6-609 of said code; and to amend said code by adding thereto a new section, designated §61-8-32, all relating to the crime of solicitation of a minor for purposes of sexual activity; establishing the essential element that the minor be at least

four years younger than the perpetrator; providing for enhanced penalties for second and subsequent offenses; requiring registration as a sex offender for those convicted of the offense; requiring designation of persons convicted of the offense to be an abusive parent where factually appropriate; and establishing criminal penalties”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 533 - “A Bill to amend and reenact §19-4-1 of the Code of West Virginia, 1931, as amended, relating to limitations on motor vehicles used by nonprofit cooperative recycling associations for the collection and transportation of recyclable goods”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

S. C. R. 7 - “Amending Joint Rules of the Senate and House of Delegates.”

At the request of Delegate Householder, and by unanimous consent, reference of the resolution (S. C. R. 7) to a committee was dispensed with, and it was taken up for immediate consideration.

On motion of Delegate Householder, the resolution was amended on page one, line 17, following the word “introduced”, by changing the period to a semicolon and inserting the following: “and, be it *Further Resolved*, That this rule shall not take effect until *sine die* adjournment of the 2023 Regular Session.”

The resolution, as amended, was then adopted.

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

Resolutions Introduced

Resolutions were introduced and severally referred as follows:

By Delegates Ridenour, Thorne, Mazzocchi, Kimble, Foster, Kirby, Honaker and Longanacre:

H. R. 13 – “Requesting an inquiry into the COVID-19 pandemic”; to the Committee on the Judiciary then Rules.

By Delegates Summers, Toney, Mallow, Fehrenbacher, Honaker, Hite, Vance, Barnhart, Miller, W. Hall and Forsht:

H. C. R. 27 – “Requesting the Joint Committee on Government and Finance study all benefits of state employees to determine which benefits, if any, may be refused by an employee in exchange for a cash equivalent”; to the Committee on Workforce Development then Rules.

By Delegates Dittman, Mazzocchi and Petitto:

H. C. R. 28 – “Requesting the Division of Highways name a portion of Arnett Road, approximately 250 feet from the intersection of Arnett Road and Copen Road on W V 2/4, together with the small bridge in front of the Providence Baptist Church in Braxton County, the ‘Terra Dawn Lewis Memorial Road and Bridge’”; to the Committee on Technology and Infrastructure then Rules.

By Delegates Dillon, Dean, Linville and Ross:

H. C. R. 30 – “Urging that the Commissioner of Highways designate the completion of the four-lane highway from Pritchard, West Virginia, to Williamson, West Virginia, to be a high-priority project; to the Committee on Technology and Infrastructure then Rules.

By Delegates Ross, Lucas, Dillon, Cannon, Chiarelli, Griffith, Pushkin, Adkins, Hornbuckle, Linville and Butler:

H. C. R. 31 – “Permitting the West Virginia Department of Tourism to proceed with procuring bids and interest in companies to place a lodge on the property of Beech Fork Lake”; to the Committee on Economic Development and Tourism then Rules.

By Delegate Dillon:

H. C. R. 32 – “Requesting the Division of Highways name bridge number 30-003/05-014.61 (30A290), (37.89328, -82.23771) locally known as Big Rock Beam Span, carrying CR 03/05 over WEST FK TWELVEPOLE CK in Mingo County, the ‘Albert “Ab” Baisden Memorial Bridge’”; to the Committee on Technology and Infrastructure then Rules.

By Delegates Skaff, Pushkin and Fluharty:

H. C. R. 33 – “Requesting the Division of Highways name a bridge bearing the Bridge Number: 20-N14/80-000.1 (20A928), (38.36406,-81.69170) locally known as CENTRAL AVENUE OVERPASS, carrying City N14/80 over CSX RR & FIRST AVENUE in Kanawha County, as the ‘Lt. Col. Mitchell M. Mickel Memorial Bridge’”; to the Committee on Technology and Infrastructure then Rules.

By Delegates Hite, Horst, Reynolds, Storch, Hanna, Willis and Barnhart:

H. C. R. 34 – “Requesting the Division of Highways name a bridge bearing the bridge number 02-010/01-001.07 (02A167) in Berkeley County, as the ‘William N. “Shug” Kisner Memorial Bridge’”; to the Committee on Technology and Infrastructure then Rules.

By Delegate Young:

H. C. R. 35 – “Declaring the Guyandotte River Crayfish (*Cambarus veteranus*) the official crustacean for the State of West Virginia”; to the Committee on Agriculture and Natural Resources then Rules.

On motion for leave, a Joint Resolution was introduced and referred as follows:

By Delegate Forsht:

H. J. R. 26 – “Proposing an amendment to the Constitution of the State of West Virginia amending section eighteen, article VI, section nineteen, article VI, section twenty-two, article VI, and section twenty-three, article VI thereof relating to facilitating the Legislature's ability to call itself to assemble, requiring that the interim schedule be set during the regular legislative session, adding a limitation of 75 total days for the legislative session, providing that the Legislature may convene itself if the Governor were to refuse to issue a proclamation to convene the Legislature with a 2/3 vote in favor of doing so when the safety and welfare of the people require it, providing

for adjournment; numbering and designating such proposed amendment; and providing a summarized statement of such proposed amendment”; to the Committee on the Judiciary.

At the respective requests of Delegate Householder, and by unanimous consent, reference of the following resolution to a committee was dispensed with, and it was taken up for immediate consideration, and adopted:

By Delegate Hanshaw (Mr. Speaker):

H. C. R. 29 – “Amending joint rules of the Senate and House of Delegates.”

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

Bills Introduced

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

By Delegates Ellington, Statler and Toney:

H. B. 3371 - “A Bill to amend and reenact §18-10-3 of the Code of West Virginia, 1931, as amended, relating to federal funds for land-grant institutions”; to the Committee on Education then Finance.

By Delegates Young, Shamblin, W. Hall, Skaff, Capito, Pushkin and Ferrell:

H. B. 3372 - “A Bill to amend and reenact §19-4-1 of the Code of West Virginia, 1931, as amended, relating to limitations on motor vehicles used by nonprofit cooperative recycling associations for the collection and transportation of recyclable goods”; to the Committee on Government Organization.

By Delegate Young:

H. B. 3373 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-10-1, §49-10-2, and §49-10-3, all relating to designation of social workers in the Department of Health and Human Resources to promote better student school attendance and performance, and the health and well-being of students at home; duties described”; to the Committee on Education.

By Delegate Capito:

H. B. 3374 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18b-10-7e, relating to waivers from tuition and other costs and fees for certain resident veterans and their resident dependents; limiting waivers to 150 cumulative credit hours; requiring application and evidence to support entitlement to waiver; limiting application of other veteran tuition benefits; exception for certain institutions of higher education for extraordinary costs associated with a particular course; mandating reporting requirements, and promulgation of rules”; to the Committee on Education then Finance.

By Delegates E. Pritt, Walker, Hornbuckle, Pushkin, Young, Hansen, Garcia, Williams and Fluharty:

H. B. 3375 - “A Bill to amend and reenact §18-2-43 of the Code of West Virginia, 1931, as amended, relating to additional disciplinary issues to be addressed by the Department of Education; reports to the Legislative Oversight Commission on Education Accountability; and data of the Department of Education dashboard for public access”; to the Committee on Education.

By Delegates Ellington, Statler and Toney:

H. B. 3376 - "A Bill to amend and reenact §18A-3-1c and §18A-3-2a of the Code of West Virginia, 1931, as amended, relating to changing the term teacher in residence to clinical teacher of record"; to the Committee on Education.

By Delegate Ellington:

H. B. 3377 - "A Bill to amend and reenact §11-15-3c of the Code of West Virginia, 1931, as amended, all relating to the eliminating the consumer sales and use tax on motor vehicle sales"; to the Committee on Technology and Infrastructure then Finance.

By Delegates Horst, Chiarelli, Ross, Butler, Dean, Keaton, Heckert, McGeehan, Hite, Brooks and Dillon:

H. B. 3378 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-15-1, §15-15-2, §15-15-3, §15-15-4, §15-15-5, and §15-15-6, all relating to preserving and protecting the right to keep and bear arms; defining acts which constitute infringements upon the right to keep and bear arms; articulating the constitutional limits on these infringements and making findings in defense of the right; declaring all infringements under federal law or authority to be against the rights of the people and to be legally void; declaring the duty of courts and law-enforcement agencies to protect the rights of law-abiding citizens, including the right to keep and bear arms; providing causes of action against persons who knowingly infringe upon these rights; providing for awards of specified damages, costs, and attorneys' fees; and barring the employment of certain persons by the state or its political subdivisions for infringing actions taken under color of federal law"; to the Committee on the Judiciary.

By Delegates E. Pritt, Brooks, Kirby, Foggin, Skaff, Fast and Young:

H. B. 3379 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17B-3-14, relating to providing reports on mental or physical disabilities, or disorders, to the Division of Motor Vehicles to determine an individual's medical competency to retain their driver's license; and providing that this section shall be known as 'McKayla, Miranda, and Philip's Law'"; to the Committee on the Judiciary.

By Delegates Kimble, Mazzocchi, Warner, Steele and Petitto:

H. B. 3380 - "A Bill to amend and reenact §20-2-47 of the Code of West Virginia, 1931, as amended, relating to allowing an owner of Japanese quail (*Coturnix Quail* and *Button Quail*) to keep them as pets without having to obtain a license for a private game farm"; to the Committee on Government Organization.

By Delegates Kimble, Riley, Kelly, Ward, Adkins, Pinson, Kirby, Heckert, Foggin, Steele and Petitto:

H. B. 3381 - "A Bill to amend and reenact §30-29-1, of the Code of West Virginia, 1931, as amended, and to amend and reenact §61-2-10b of said code, all relating to classifying police canine units as 'law enforcement officers' in relation to their standing as victims and the level of force able to be used in their protection"; to the Committee on the Judiciary.

By Delegate Young:

H. B. 3382 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-29-1 and §11-29-2, all related to setting the standards for and providing for a childcare tax credit"; to the Committee on Finance.

By Delegate Young:

H. B. 3383 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-63-1, §16-63-2, §16-63-3, §16-63-4, §16-63-5, and §16-63-6, all relating to creating the Youth Mental Health Protection Act; setting forth legislative findings; setting forth a purpose; defining terms; providing for a prohibition on conversion therapy; setting forth a prohibition for referral services for conversion therapy; and providing for disciplinary actions against providers who violate the article"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Young:

H. B. 3384 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-39-1, §19-39-2, §19-39-3, §19-39-4, §19-39-5, §19-39-6, and §19-39-7, all relating to the creation of the Agricultural Right to Repair Act; and promoting farmer repair choice and competition by requiring manufacturers of agriculture equipment to make available to owners and independent repair providers, on fair and reasonable terms, the documentation, parts, and tools used to diagnose, maintain, and repair such equipment"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Statler:

H. B. 3385 - "A Bill to amend and reenact §46B-2-1 of the Code of West Virginia, 1931, as amended, relating to eliminating the maximum fair market value limit for any single item which is the subject of a rent-to-own agreement of consumer goods"; to the Committee on the Judiciary.

By Delegates Kimble, Mazzocchi, Kelly, Jeffries, Phillips, Hanshaw (Mr. Speaker), Capito, McGeehan, Horst, Kirby and Warner:

H. B. 3386 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §18C-10-1, relating to creating the West Virginia National Merit Scholarship Program; setting forth definitions; defining powers and duties of the West Virginia Higher Education Policy Commission; establishing requirements; authorizing rulemaking; and creating special revenue fund"; to the Committee on Education then Finance.

By Delegates Hardy, Storch and Westfall:

H. B. 3387 - "A Bill to amend and reenact §7-18-13a of the Code of West Virginia, 1931, as amended, relating to extending the moratorium on the authorization of new convention and visitors bureaus for an additional two years and clarifying when and how a new convention and visitors bureau can qualify for a distribution of the hotel occupancy tax proceeds"; to the Committee on Economic Development and Tourism.

By Delegate Summers:

H. B. 3388 - "A Bill to amend the code of West Virginia, 1931, as amended, by adding thereto a new article, designated, §11-13MM-1, §11-13MM-2, and §11-13MM-3; and to amend and reenact §30-1-10 of said code, all relating to creating the health care professionals preceptor tax credit; providing for legislative findings and a purpose; providing for definitions; establishing the Health Care Professionals Preceptor Tax Credit; and providing for the creation of a special fund"; to the Committee on Health and Human Resources then Finance.

By Delegate Westfall:

H. B. 3389 - "A Bill to amend and reenact §11-22-2 of the Code of West Virginia, 1931, as amended, relating to allocating a percentage of county excise taxes received from transfers of title to real estate in each county for funding improvements to election administration, infrastructure, and physical and cyber security; allocating a percentage of county excise taxes

received from transfers of title to real estate in each county for funding other county purposes including, but not limited to, compliance with the Uniform Real Property Electronic Recording Act; authorizing the Secretary of State to promulgate legislative rules establishing minimum adequate funding thresholds and standards based on county classification for improving election administration, infrastructure, and security; and authorizing county clerks to reallocate the excess portion of funding for improving election administration, infrastructure, and security to other approved county purposes upon determination by the Secretary of State that the minimum funding thresholds and standards have been met”; to the Committee on Finance.

By Delegate Walker:

H. B. 3390 - “A Bill to amend and reenact §18-16-2 of the Code of West Virginia, 1931, as amended, relating to the Antihazing Law; modifying the definition of hazing to address any type of organization whose members include students at any public or private institution of higher education”; to the Committee on Education.

By Delegates Householder and Gearheart:

H. B. 3391 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-3-25b; and to amend and reenact §11-10A-19 of said code, all relating to appeals to the Office of Tax Appeals; establishing filing deadlines for appeals of property tax valuations and issues involving property tax classification and taxability to the West Virginia Office of Tax Appeals, providing that appeal petitions of property tax issues to the West Virginia Office of Tax Appeals shall be heard de novo, providing a time frame for hearings before the Office of Tax Appeals regarding property tax matters, clarifying that the Intermediate Court of Appeals has jurisdiction to hear appeals from a final decision of a property tax matter by the Office of Tax Appeals, and clarifying that further appeals are to the Supreme Court of Appeals”; to the Committee on Finance.

By Delegates Skaff, Clark, Williams, Howell, Garcia and Linville:

H. B. 3392 - “A Bill to amend and reenact §5B-2-3b of the Code of West Virginia, 1931, as amended, relating to dedication of \$30 million of any budget surplus at the end of the fiscal year to the Development Office Promotion and Closing Fund”; to the Committee on Economic Development and Tourism then Finance.

By Delegates Holstein and Mazzocchi:

H. B. 3393 - “A Bill to amend and reenact §3-3-5 of the Code of West Virginia, 1931, as amended, relating to absentee ballots; requiring applications for absentee ballots to be available at the office of the county clerk and online at the Secretary of State’s official website; permitting first responders to vote by electronic absentee ballot in certain emergency circumstances; defining ‘qualified first responder’ and providing examples; providing for submittal and acceptance of qualified first responder absentee voting applications; providing for transmittal of ballots to qualified first responders; providing for processing of received electronic absentee ballots cast by qualified first responders; prohibiting an election official from providing an unsolicited application for absentee voting to any voter; prohibiting any person from providing more than 10 unsolicited applications for absentee voting to any voter; creating a misdemeanor penalty upon conviction for such prohibited activity; and providing exceptions”; to the Committee on the Judiciary.

By Delegates Holstein and Pinson:

H. B. 3394 - “A Bill to amend and reenact §3-4A-8 of the Code of West Virginia, 1931, as amended, relating to electronic voting systems; and requiring that any system acquired after January 1, 2028, shall be manufactured in the United States with all components sourced in the

United States and all labor to assembly performed in the United States”; to the Committee on the Judiciary.

By Delegates Holstein, Rohrbach, Mazzocchi, Capito, Steele, Householder, Linville, Fast and Hornby:

H. B. 3395 - “A Bill to amend and reenact §31-2A-2 of the Code of West Virginia, 1931, as amended, relating to requiring railroad companies to provide alternative entry and exit ways in certain circumstances”; to the Committee on Technology and Infrastructure.

**By Delegates Hanshaw (Mr. Speaker) and Skaff
[By Request of the Executive]:**

H. B. 3396 - “A Bill supplementing, amending, and increasing existing items of appropriation from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2023, organization 0803, for the fiscal year ending June 30, 2023”; to the Committee on Finance.

By Delegate Linville:

H. B. 3397 - “A Bill to amend the Code of West Virginia, 1931, as amended; by adding thereto a new section designated as §31G-6-3, all relating to broadband and political subdivisions generally; pre-empting all restrictions on any political subdivision regarding the formation or establishment of any entity which would seek to provide or assist in providing broadband service; permitting political subdivisions may form subordinate entities which can provide or assist in providing broadband service; providing that a grantee who, by action or inaction, causes Federal funds to be returned shall hold the state harmless, and shall make commensurate reimbursement to the state; providing that a political subdivision of this state, which has received infrastructure grant money to fund a project, shall reimburse the infrastructure fund if the project is thereafter sold, granted, convey, or otherwise alienated”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate McGeehan:

H. B. 3398 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §10-3B-1, §10-3B-2, §10-3B-3, §10-3B-4, §10-3B-5, and §10-3B-6, all relating to the establishment of the West Virginia Memorial to Fallen Heroes of the Global War on Terrorism”; to the Committee on Government Organization.

By Delegates Howell, Martin, Young and Miller:

H. B. 3399 - “A Bill to amend and reenact §11-21-97 of the Code of West Virginia, 1931, as amended, and to amend and reenact §11-24-44 of said code, all relating to increasing tax credit for employers providing child care for employees”; to the Committee on Finance.

By Delegates Horst, Householder, Hardy, Phillips, Mallow, Summers, Foster, Espinosa, Ward, Howell and Kimble:

H. B. 3400 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5A-13-1 and §5A-13-2, all relating to creating the Firearms Industry Nondiscrimination Act; providing definitions; specifying applicability, prohibiting state contracts without written verification of compliance; and providing exceptions”; to the Committee on the Judiciary.

By Delegates Espinosa, Ridenour, Hardy and Hornby:

H. B. 3401 - “A Bill to amend and reenact §17C-5-1 of the Code of West Virginia, 1931, as amended, relating to clarifying the offense of vehicular homicide by adding two categories; adding

the termination of a pregnancy as an offense of simple negligent homicide; and increasing the penalty for gross negligent homicide”; to the Committee on the Judiciary.

By Delegates Foster, Brooks, Phillips, Steele, Fast, Maynor, Barnhart and Kirby:

H. B. 3402 - “A Bill to amend and reenact §51-1-17 of the Code of West Virginia, 1931, as amended, relating to requiring a report of the statements of charges against a judge in this state made by Judicial Investigation Commission and the Office of Disciplinary Counsel to be sent, annually, to the Legislature’s Joint Committee on the Judiciary”; to the Committee on the Judiciary.

By Delegates Howell, Fehrenbacher, Martin, Young, Criss, Miller and Storch:

H. B. 3403 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-98; and to amend said code by adding thereto a new section, designated §11-24-45, all relating to providing a tax credit against the state corporate net income tax and the state personal income tax for expenditures related to the operation of existing employer-provided or sponsored childcare facilities; defining terms; providing for rulemaking; setting the amount of the credit; providing for limitation of the credit; providing for transferrable credit available to non-profit corporations; and providing for a recapture process”; to the Committee on Economic Development and Tourism then Finance.

By Delegate Foster:

H. B. 3404 - “A Bill to amend and reenact §11-1A-10 of the Code of West Virginia, 1931, as amended, relating to requiring that land assessed as farm property in West Virginia for taxation purposes be assessed at the regular rate of taxation for the preceding three years after the sale of the property for development”; to the Committee on Agriculture and Natural Resources then Finance.

By Delegate Foster:

H. B. 3405 - “A Bill to amend and reenact §48-27-505 of the Code of West Virginia, 1931, as amended, relating to changing the time period of a protective order extension to one year”; to the Committee on the Judiciary.

By Delegate Cannon:

H. B. 3406 - “A Bill to amend and reenact §3-5-1 and §3-5-3 of the Code of West Virginia, 1931, as amended, relating to providing for a presidential preference primary election in presidential election years to be held on the second Tuesday of February; conducting; providing for administration of presidential primary elections; and providing for rulemaking authority by the Secretary of State”; to the Committee on the Judiciary.

By Delegates Cannon, Linville, Hardy, Clark, Riley and Barnhart:

H. B. 3407 - “A Bill to amend and reenact §3-8-5c of the Code of West Virginia, 1931, as amended, relating to elections; and increasing the maximum contribution limitation in an election cycle”; to the Committee on the Judiciary.

By Delegate Ellington:

H. B. 3408 - “A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto two new sections, designated §18-8-1b and §18-8-1c; to amend and reenact §18-9A-25 of said code; to amend and reenact §18-31-2, §18-31-3, §18-31-4, §18-31-5, §18-31-6, §18-31-7, §18-31-8, §18-31-9, §18-31-10, and §18-31-11 of said code; and to amend said code by adding thereto a new section, designated §18-31-2a, all relating generally to nonpublic kindergarten, elementary, and secondary school education; reorganizing provisions related to exemptions from compulsory public school

attendance; removing participation in the Hope Scholarship Program as a standalone exemption to compulsory school attendance; relocating requirements for students receiving home instruction to a new section of the code; clarifying terms relating to home school students; relocating requirements for students attending a learning pod or microschool to a new section of the code; providing that learning pod and microschool students have the same educational rights and privileges as home school students; establishing the method of calculating the annual Hope Scholarship Program appropriation; providing that students exempt from compulsory school attendance and participating in nonpublic educational programs may participate in the Hope Scholarship Program if other eligibility requirements are met; defining terms; establishing eligibility requirements for the Hope Scholarship Program; setting forth procedure for notice of Hope Scholarship Program participation to county superintendents; requiring county superintendents to enter certain information into the state's educational information system; permitting the State Treasurer to appear by designee at Hope Scholarship Board meetings; providing the State Treasurer's Office with rulemaking authority; clarifying that all records containing personally identifying information of a Hope Scholarship student, applicant, or parent are confidential and not subject to disclosure pursuant to the West Virginia Freedom of Information Act; establishing qualifying expenses under the Hope Scholarship Act; establishing frequency of standardized testing and portfolio submission requirements for certain Hope Scholarship students; requiring Hope Scholarship students to meet all standardized testing and portfolio requirements for his or her exemption from compulsory school attendance as a condition of scholarship renewal; requiring the board to maintain and publish a list of all education service providers; authorizing the board to contract with independent auditors to complete Hope Scholarship Program audits; clarifying the board's rulemaking authority with regard to certain functions, requiring education service providers to submit required criminal background screening results to the board; and clarifying that education service providers may not assess students additional tuition or fees based on participation in the Hope Scholarship Program"; to the Committee on Education.

By Delegate Criss:

H. B. 3409 - "A Bill to amend and reenact §11-13S-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-13Y-5 of said code, all relating to authorizing application of the manufacturing investment tax credit and the manufacturing property tax adjustment credit against personal income tax; defining terms; deleting superannuated language; specifying application of tax credit; specifying effective date; and making stylistic revisions"; to the Committee on Finance.

By Delegate Hornbuckle:

H. B. 3410 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-44, relating to requiring public high schools to have full-time athletic trainers"; to the Committee on Education then Finance.

By Delegate Hornbuckle:

H. B. 3411 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-44; to amend said code by adding thereto a new section, designated §18-5-50; and to amend said code by adding thereto a new article, designated §18C-10-1, §18C-10-2, §18C-10-3, §18C-10-4, and §18C-10-5, all relating to creating a statewide initiative to promote teacher preparation programs aimed at underrepresented groups; providing that the West Virginia State Board of Education will create an initiative for this purpose; providing that county boards of education in this state will create initiatives for this purpose; establishing a scholarship fund and providing for funding; providing for definitions; setting forth criteria for the scholarship; and enacting the scholarship"; to the Committee on Education then Finance.

By Delegate Linville:

H. B. 3412 - "A Bill to amend and reenact §31G-1A-7 of the Code of the West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §31G-7-1, §31G-7-2 §31G-7-3 and §31G-7-4, all relating to certain provisions relating to broadband; adding certain provisions to the administration of the Broadband Development Fund, including regulating the disposal of grant funded assets; relating to defining eligible telecommunications carriers; defining the status of such; and providing for penalties where misrepresentation of eligible telecommunications carrier status occurs"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Hornbuckle:

H. B. 3413 - "A Bill to amend and reenact §18A-4-2 of the Code of West Virginia, 1931, as amended, relating to raising the number of years of service where teachers stop getting raises from 35 to 40"; to the Committee on Education then Finance.

By Delegate Westfall:

H. B. 3414 - "A Bill to amend and reenact §29-12-1, §29-12-2, §29-12-4, §29-12-5a, and §29-12-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-12A-5 of said code, all relating to the state's procurement of insurance protection and the limitation of damages available for claims against schools related to abuse"; to the Committee on Education then the Judiciary.

By Delegate Young:

H. B. 3415 - "A Bill to amend and reenact §5-11B-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §16-4G-1, §16-4G-2, §16-4G-3, §16-4G-4, §16-4G-5, §16-4G-6, §16-4G-7 §16-4G-8, and §16-4G-9; and to amend said code by adding thereto a new article, designated §21-5J-1, §21-5J-2, §21-5J-3, §21-5J-4, §21-5J-5, §21-5J-6, §21-5J-7, §21-5J-8, §21-5J-9, and §21-5J-10, all relating to requiring the West Virginia Division of Labor to notify all employers that the Pregnant Workers' Fairness Act is in place; to require that the West Virginia Division of Labor to conduct public education campaigns about the Pregnant Workers' Fairness Act; listing legislative findings regarding pregnancy and post-pregnancy care; creating a short title; listing definitions; establishing the Housing for Moms Grant program; requiring a report from the Department of Health and Human Resources regarding transportation and barriers to care; requiring respectful maternity care training for all employees providing prenatal, labor, and postpartum care; requiring the Department of Health and Human Resources Bureau for Public Health to establish a program to award grants to eligible entities to educate the public and health care providers about maternal mental health conditions and establishing parameters for those grants; expanding nutritional assistance; establishing the Paid Parental Leave Pilot Program; establishing the Paid Parental Leave Fund and setting disbursement qualifications for that fund; expanding access to family planning care; establishing the requiring employers to continue to provide group health care coverage as long as the employee continues to pay the premiums for this coverage; providing for an employer survey for the Paid Parental Leave Pilot Program; establishing a performance review date for the Paid Parental Leave Pilot Program; establishing rulemaking for the Paid Parental Leave Pilot Program; and providing a sunset date for the Paid Parental Leave Pilot Program"; to the Committee on Health and Human Resources then Finance.

By Delegate Hornbuckle:

H. B. 3416 - "A Bill to amend and reenact §18A-4-2 of the Code of West Virginia, 1931, as amended, all relating to raising the state minimum salary for teachers to"; to the Committee on Education then Finance.

By Delegate Howell:

H. B. 3417 - "A Bill to amend and reenact §18B-3D-6 of the Code of West Virginia, 1931, as amended, relating to creating a three-year pilot program to include Potomac State College of West Virginia University as an eligible institution for participation in the 'Learn and Earn Program'; to the Committee on Economic Development and Tourism.

By Delegate C. Pritt:

H. B. 3418 - "A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to expungement of criminal offenses; clarifying that certain offenses are eligible for expungement, subject to other restrictions of this section"; to the Committee on the Judiciary.

By Delegate Pushkin:

H. B. 3419 - "A Bill to amend and reenact §18-10Q-2 and §18-10Q-3, of the Code of West Virginia, 1931, as amended; and to repeal §18-10Q-4, and §18-10Q-5 of said code; and to amend and reenact §21-5C-1 of said code, all relating to wages of persons with disabilities; initiating a State 'Employment First Policy' to facilitate integrated employment of disabled persons; providing legislative findings; establishing a taskforce to develop a State Employment First Policy; providing for implementation of the State Employment First Policy; and removing the exemption from paying minimum wages to disabled persons working in nonprofit workshops"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Young:

H. B. 3420 - "A Bill to amend and reenact §7-4-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §15-9B-1 of said code; and to amend and reenact §61-8B-16 of said code, all relating to the reimbursement of sexual assault forensic medical examinations; setting the rate of reimbursement; and providing for an annual report to the Legislative Oversight Commission on Health and Human Resource Accountability estimating the sustainability of the Forensic Medical Examination Fund"; to the Committee on the Judiciary then Finance.

By Delegate Hanshaw (Mr. Speaker):

H. B. 3421 - "A Bill to amend and reenact §8-12-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-13-5 of said code; to amend and reenact §12-7-12 of said code; to amend and reenact §16-5V-2 of said code; to amend and reenact §18-8-1a of said code; to amend and reenact §18A-3-2a, of said code; to amend and reenact §21-5-1 of said code; to amend and reenact §22C-9-4 of said code; to amend and reenact §24-2-1 of said code; to amend and reenact §24A-2-2b of said code; to amend and reenact §29-6-4 of said code; to amend and reenact §46A-8-101 of said code; to amend and reenact §61-12-3 of said code; all relating to recodifying portions of the code to eliminate conflicts"; to the Committee on the Judiciary.

By Delegate Dittman:

H. B. 3422 - "A Bill to amend and reenact §21-5F-2 and §21-5F-3 of the Code of West Virginia, 1931, as amended, all relating to adding nursing homes to the nurses' overtime limitation"; to the Committee on Health and Human Resources.

By Delegate Young:

H. B. 3423 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §24-2B-1 and §24-2B-2, relating to establishing the temporary suspension of rate increases, emergency rate increases, and hardship procedure"; to the Committee on Energy and Manufacturing then Government Organization then Finance.

By Delegates Crouse, Honaker, Maynor, Mallow, Longanacre, Dean, Lucas and Steele:

H. B. 3424 - "A Bill to amend and reenact §29-5A-1, §29-5A-2, §29-5A-3, §29-5A-3a, §29-5A-3b, §29-5A-4, §29-5A-5, §29-5A-6, §29-5A-7, §29-5A-8, §29-5A-9, §29-5A-13, §29-5A-14, §29-5A-15, §29-5A-16, §29-5A-17, §29-5A-18, §29-5A-19, §29-5A-20, §29-5A-24, §29-5A-25, and §29-5A-25a of the Code of West Virginia, 1931, as amended, all relating to the West Virginia State Athletic Commission; providing for the implementation of a gate fee to fund the State Athletic Commission; requiring licensed promoters to provide the State Athletic Commission with a written report containing the gross proceeds from ticket and pay-per-view sales, live streaming right, video rights, sold for such contest and any rebroadcast rights from each event to calculate the gate fee; exempting promoter gate fee reports made to State Athletic Commission from the Freedom of Information Act; calculating the gate fee owed to the State Athletic Commission from the gross proceeds from ticket and pay-per-view, live streaming right, video rights, sold for such contest and any rebroadcast rights sales from each event provided in the required report; directing promoters to make payment to the Treasurer of West Virginia by submitting a certified check or money order to the commission; directing the gate fee collected to be deposited into the State Athletic Commission special account fund; making technical changes to code by removing any reference to exhibitions; changing titles for certain commission members to Chief Commissioner and Deputy Commissioner; clarifying that excessive payment of fees and payment of fees not approved by the commission constitutes inference of any boxing match sanctioned by the commission; clarifying that inference with any boxing match sanctioned by the commission is prohibited; more closely adhering to the Unified Boxing Rules and the Association of Boxing Commissions for weight classes; modifying the fee paid to officials for matches; and making clear that matches conducted by any university, college or high school may be exempt from this article if sanctioned by U.S.A. Boxing"; to the Committee on Government Organization then Finance.

By Delegate Young:

H. B. 3425 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-18F-1, §31-18F-2, and §31-18F-3 to establish the Small Business Investment Fund; creating the Small Business Financing Authority; defining terms; establishing requirements to obtain the grant; listing exclusions."; to the Committee on Finance.

By Delegate Gearheart:

H. B. 3426 - "A Bill to amend and re-enact §37-15-2 and §37-15-6 of the Code of West Virginia, 1931, as amended, relating to tenant protections and landlord notice requirements at rental properties for house trailers, mobile homes, manufactured homes, and modular homes"; to the Committee on the Judiciary.

By Delegate Criss:

H. B. 3427 - "A Bill to amend and reenact §11-15-9n of the Code of West Virginia, 1931, as amended, all relating to the consumers sales and service tax and use tax exemption for qualified purchases of computers and computer software, primary material handling equipment, racking and racking systems, and components, building materials and certain tangible personal property to be incorporated into a qualified, new or expanded warehouse or distribution facility; changing threshold jobs creation number from 300 to 50; and making stylistic changes"; to the Committee on Finance.

By Delegate Howell:

H. B. 3428 - "A Bill to amend and reenact §24-2-1n, relating to the West Virginia Business Ready Sites Program; to eliminate the West Virginia Business Ready Sites Program as a pilot program; to eliminate the maximum number of industrial development sites; to eliminate certain requirements that industrial development sites be apportioned geographically amongst West

Virginia's congressional districts; and to eliminate the sunset provision of the West Virginia Business Ready Sites Program"; to the Committee on Economic Development and Tourism.

By Delegate Ferrell:

H. B. 3429 - "A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to the authority of the West Virginia Secondary School Activities Commission; eligibility to participate in interscholastic athletic events by students who transfer schools; and providing that the transferring student is ineligible for interscholastic athletic events for a period of 365 days from the date of entry to the new school"; to the Committee on Education.

By Delegate Summers:

H. B. 3430 - "A Bill to amend and reenact §16-1-6 of the code of West Virginia, 1931, as amended, relating to prohibiting the Bureau for Public Health from assessing a fee on local health departments"; to the Committee on Health and Human Resources.

By Delegate Criss:

H. B. 3431 - "A Bill to amend and reenact §11-13W-1 of the Code of West Virginia, 1931, as amended, all relating to the tax credit for apprenticeship training; eliminating the requirement that the credit base be limited to wages paid to apprentices in the construction trades, specifying effective date; and making stylistic changes"; to the Committee on Finance.

By Delegate Hanshaw (Mr. Speaker):

H. B. 3432 - "A Bill to amend and reenact §2-2-10 and §2-2-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §4-1-13 of said code, all relating to statutory construction; defining terms; and setting forth authority of the clerks"; to the Committee on the Judiciary.

By Delegate Rowe:

H. B. 3433 - "A Bill to amend and reenact §9-2-4 of the Code of West Virginia, as amended, relating to the establishment of a division of forensic social work services within the Department of Health and Human Resources"; to the Committee on Health and Human Resources.

By Delegate Young:

H. B. 3434 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-27B-1 and §16-27B-2, relating to establishing the Nuclear Reactor Pilot Program, providing definitions, and giving requirements for qualification and registration with the Public Service Commission"; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegate Forsht:

H. B. 3435 - "A Bill to amend and reenact §7A-1-2 and §7A-1-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §7A-2-1 and §7A-2-4 of said code; to amend and reenact §7A-3-4 of said code; to amend and reenact §7A-4-2 of said code; and to amend and reenact §7A-7-4a and §7A-7-8 of said code, all relating to consolidation of local governments; setting forth legislative findings; providing definitions; delineating the powers and privileges of a consolidated local government; providing for additional limitations on the actions of consolidated local government; amending the composition of a metro charter review committee; providing for additional public hearings in the charter review committee process; modifying the percentage vote required to approve metro government in municipal and countywide elections from 55 percent to a majority in counties with populations below 20,000; and removing the time limit for other

municipalities to apply to join a metro government”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Dillon and Ross:

H. B. 3436 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-22-1, relating to property; restricting foreign ownership of land and other interests in the State of West Virginia as specified; defining terms; requiring registration as specified; authorizing enforcement of ownership restrictions as specified; providing a civil penalty; requiring the inclusion of notices of foreign ownership in assessment schedules and tax statements; specifying applicability; requiring rulemaking; and providing for an effective date”; to the Committee on Government Organization then the Judiciary.

By Delegates Dillon, Dean and Ross:

H. B. 3437 - “A Bill to amend and reenact §24-2-1d and §24-2-4 of the Code of West Virginia, 1931, as amended, all relating to the creation of the Consumer Energy Affordability and Reliability Act”; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegates Horst, Chiarelli, Smith, Summers, Thorne, DeVault, Jeffries, W. Hall and Shamblin:

H. B. 3438 - “A Bill to amend and reenact §20-2-33 of the Code of West Virginia, 1931, as amended, relating to establishing an auto-renewal program for wildlife licenses; and authorizing the director to assess discounts to fees”; to the Committee on Government Organization then Finance.

By Delegates Westfall, Pinson and Burkhammer:

H. B. 3439 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-130, relating to child placing agencies; requiring a policy of insurance; and limiting civil damages or injuries”; to the Committee on the Judiciary.

By Delegates Linville and Westfall:

H. B. 3440 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-4-17f; relating to costs of relocating public utility facilities, lines, or systems for certain highway construction projects; identifying projects that are subject to this statute; providing for sharing of relocation costs between the utility and the Division of Highways; providing for expedient relocation of such facilities if they would impede a project; and, limiting recovery of costs in such instances”; to the Committee on Technology and Infrastructure then Finance.

Special Calendar

Third Reading

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 119**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Hardy, Kelly, C. Pritt, E. Pritt and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2621) passed.

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

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 120**), and there were—yeas 91, nays 3, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Fluharty, Walker and Young.

Absent and Not Voting: Bridges, Hardy, Kelly, C. Pritt, E. Pritt and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2899) passed.

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

H. B. 2899 – “A Bill to repeal §24-2B-1 and 24-2B-2 of the Code of West Virginia, 1931, as amended, relating to gas utility rates that were set for a period of 12 months during 1983.”

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

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 121**), and there were—yeas 80, nays 14, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Dillon, Fluharty, A. Hall, W. Hall, Hansen, Kump, Longanacre, McGeehan, Pushkin, Shamblin, Steele, Vance, Walker and Young.

Absent and Not Voting: Bridges, Hardy, Kelly, C. Pritt, E. Pritt and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3111) passed.

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

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 122**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Hardy, Kelly, C. Pritt, E. Pritt and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3268) passed.

Delegate Householder moved that the bill take effect July 1, 2023.

On this question, the yeas and nays were taken (**Roll No. 123**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Hardy, Kelly, C. Pritt, E. Pritt and Williams.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3268) takes effect July 1, 2023.

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

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 124**), and there were—yeas 90, nays 4, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Dillon, A. Hall, Kirby and Vance.

Absent and Not Voting: Bridges, Hardy, Kelly, C. Pritt, E. Pritt and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3306) passed.

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

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 125**), and there were—yeas 84, nays 10, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Butler, Dillon, Foggin, Foster, Gearheart, Kirby, Longanacre, Ridenour, Ross and Steele.

Absent and Not Voting: Bridges, Hardy, Kelly, C. Pritt, E. Pritt and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3307) passed.

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

Second Reading

Com. Sub. for H. B. 2005, Establishing the dual enrollment pilot program to be administered by the Higher Education Policy Commission and the Council for Community and Technical College Education in conjunction with the State Board of Education; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2006, Relating to reorganizing the Department of Health and Human Resources; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Summers, the bill was amended on page 9, line 24, by striking, "§5F-2-1" and inserting in lieu thereof, "§5F-1-2";

And,

On page 10, line 40, by striking, "§5F-2-1" and inserting in lieu thereof, "§5F-1-2";

And,

On page 11, line 60, by striking, paragraph (G) and re-lettering the remaining paragraphs accordingly;

And,

On page 11, line 67, by striking, "§5F-2-1" and inserting in lieu thereof, "§5F-1-2".

The bill was then ordered to engrossment and third reading.

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

On motion of Delegate Summers, the bill was amended on page 2, line 46, by striking subdivision (26) in its entirety and inserting in lieu thereof a new subdivision (26) to read as follows:

"(26) Regulations on prescription paper, as provided in §16-5-27 of this code which include three categories for optional use.

The first box, 'Continue all other medications.'; The second box: "Discontinue []" and the purpose of the medication, unless requested by the patient to leave blank. Prescriptions transmitted orally by phone shall include this same information when dictated to the pharmacy."

The bill was then ordered to engrossment and third reading.

H. B. 2309, To require the Division of Forestry to create an online renewal process no later than July 1, 2023; on second reading, coming up in regular order, was read a second time.

An amendment was recommended by the Committee on Government Organization, and adopted, on page 2, section 11, line 33, by striking out the word "July" and inserting the word "October"

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2540, Travel Insurance Model Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2605, Relating to Good Samaritan law; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2817, Relating to Public Service Commission jurisdiction over alternative fuel for motor vehicles; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 3044, Relating to the annual fee for limited video lottery terminal permits; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 3098, To eliminate the WV General Summative Assessment and replace it with a formative assessment given three times a year; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Ellington, the bill was amended on page 3, section 44, after line 58, by adding a new subsection (h) and inserting the following "(h) *Virtual Charter School Assessments* - Virtual Charter Schools may test virtually using remote proctoring."

And,

Re-lettering the remainder of the bill.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 3113, Requiring high school students to complete course of study in personal finance; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 3122, Permitting certain types of rifles using an encapsulated propellant charge that loads from the breech; on second reading, coming up in regular order, was reported by the Clerk.

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

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

Delegate Burkhammer moved to amend the bill on page 2, line 23, by inserting a new subdivision “(C) An ectopic pregnancy shall be reported in the aggregate and the information requested, in §16-5-22(a)(1) – (8) is not required.”;

And,

On page 2, line 29, by striking subsection (d) in its entirety

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

The yeas and nays having been ordered, they were taken (**Roll No. 126**), and there were— yeas 33, nays 61, absent and not voting 6, with the yeas and the absent and not voting being as follows:

Yeas: Barnhart, Brooks, Burkhammer, Butler, Capito, Chiarelli, Coop-Gonzalez, Dean, DeVault, Dillon, Fast, Foster, A. Hall, Hanna, Holstein, Horst, Jeffries, Keaton, Kimble, Kirby, Longanacre, Lucas, Martin, McGeehan, Nestor, Pinson, Ridenour, Ross, Steele, Street, Thorne, Vance and Ward.

Absent and Not Voting: Bridges, Hardy, Kelly, C. Pritt, E. Pritt and Williams.

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

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 3210, Relating to the performance of installation of propane gas systems; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 3261, Relating to Social Workers Qualifications; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3272, Relating to the operation of private trust companies in West Virginia; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 3302, To recognize unborn child as distinct victim in a DUI causing death; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 3311, Relating to wine alcohol by volume as compared to beer; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 3318, Relating to location of services provided by the Workforce Development Board as related to the one-stop delivery system; on second reading, coming up in regular order, was reported by the Clerk.

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

First Reading

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

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

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

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

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

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

H. B. 2839, Making a technical correction regarding an incorrect fund name and clarifying applicability to mine lands governed by SMCRA and the Abandoned Mine Lands Act,

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

Com. Sub. for H. B. 2993, Relating to rural emergency hospital licensure,

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

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

And,

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

Leaves of Absence

At the request of Delegate Householder, and by unanimous consent, leaves of absence for the day were granted Delegates Bridges, Hardy, Kelly, C. Pritt, E. Pritt and Williams.

Miscellaneous Business

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

H. B. 2471: Delegate Fast;

H. B. 2638: Delegate Kump;

H. B. 3157: Delegate Crouse;

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

H. B. 3279: Delegate Worrell;

At 12:11 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 14, 2023.

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

SPECIAL CALENDAR

Tuesday, February 14, 2023

35th Day

11:00 A. M.

THIRD READING

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

SECOND 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 - Making a technical correction regarding an incorrect fund name and clarifying applicability to mine lands governed by SMCRA and the Abandoned Mine Lands Act (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. 3122 - Permitting certain types of rifles using an encapsulated propellant charge that loads from the breech (SUMMERS) (EFFECTIVE FROM PASSAGE)

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 (SUMMERS) (EFFECTIVE FROM PASSAGE)

Com. Sub. for H. B. 3317 - Relating to removing specific continuing education requirements (SUMMERS) (EFFECTIVE FROM PASSAGE)

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

- S. B. 275 - Adding State Fire Marshals to statute included with law enforcement and first responders that receive information on school safety requirements (ELLINGTON) (REGULAR)
- H. B. 3215 - Relating to land use (HOWELL) (REGULAR)
- H. B. 3218 - Relating to requiring suicide prevention resources be printed on student identification cards (ELLINGTON) (REGULAR)
- H. B. 3328 - Authorizing the Hatfield-McCoy Regional Recreation Authority to contract to build and maintain trails on privately owned property (HOWELL) (REGULAR)

HOUSE CALENDAR

Tuesday, February 14, 2023

35th 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

TUESDAY, FEBRUARY 14, 2023

HOUSE CONVENES AT 11:00 A.M.

**AGRICULTURE AND NATURAL RESOURCES
9:15 AM – ROOM 215-E**

**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
3:00 PM – ROOM 460-M**

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

**COMMITTEE ON EDUCATION
4:00 PM – ROOM 432-M**

WEDNESDAY, FEBRUARY 15, 2023

**PUBLIC HEARING
COMMITTEE ON THE JUDICIARY
9:00 AM – HOUSE CHAMBER
COM. SUB. FOR S. B. 10, CAMPUS SELF-DEFENSE ACT.**

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