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February 23, 2023  
FORTY-FOURTH DAY



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Thursday, February 23, 2023

**FORTY-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 Wednesday, February 22, 2023, being the first order of business, when the further reading thereof was dispensed with.

**Reordering of the Calendar**

Pursuant to the action of the Committee on Rules, Com. Sub. for H. B. 2538, H. B. 2607, Com. Sub. for H. B. 2917, Com. Sub. for H. B. 3005, Rev. Com. Sub. for H. B. 3110, Com. Sub. for H. B. 3148, H. B. 3376, H. B. 3441, H. B. 3547, H. B. 3548 and H. B. 3549, on Third Reading, House Calendar, were transferred to the Special Calendar; Com. Sub. for H. B. 2016, Com. Sub. for H. B. 2483, Com. Sub. for H. B. 2567, Com. Sub. for H. B. 2648, Com. Sub. for H. B. 2759, Com. Sub. for H. B. 2760, Com. Sub. for H. B. 3013, Com. Sub. for H. B. 3059 Com. Sub. for H. B. 3214, Com. Sub. for H. B. 3274, Com. Sub. for H. B. 3341, Com. Sub. for H. B. 3398, Com. Sub. for H. B. 3409, H. B. 3444, Com. Sub. for H. B. 3450, H. B. 3459, H. B. 3473, Com. Sub. for H. B. 3479, Com. Sub. for H. B. 3482, Com. Sub. for H. B. 3484, H. B. 3487, H. B. 3493, H. B. 3552 and H. B. 3554, on First Reading, House Calendar, were transferred to the Special Calendar; and S. B. 131, on First Reading, Special Calendar, was transferred to the House Calendar.

**Committee Reports**

On motion for leave, a bill was introduced (Originating in the Committee on Economic Development and Tourism and reported with the recommendation that it do pass), which was read by its title, as follows:

**By Delegates Howell, Hornby, Kirby, A. Hall, Fehrenbacher, Clark and Petitto:**

**H. B. 3558** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36B-1-203a, relating to providing an exception to the provisions of the Uniform Common Interest Ownership Act (UCIOA) for planned communities which prescribe in their declaration that the act will not apply."

Delegate Jennings, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

**Com. Sub. for S. B. 419**, Establishing standards for licensure of military trained applicants,

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 419) was referred to the Committee on Government Organization.

Delegate Jennings, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

**Com. Sub. for S. B. 527**, Allowing family members of military personnel access to discharge records,

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 (Com. Sub. for S. B. 527) 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:

**Com. Sub. for S. B. 51**, Requiring impact statement in certain instances of school closing or consolidation,

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

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

Your Committee on Education has had under consideration:

**H. B. 3386**, To provide all National Merit Scholars free tuition to any West Virginia higher education institution in order to keep these scholars in 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. 3386) was referred to the Committee on Finance.

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

Your Committee on Education has had under consideration:

**H. B. 3095**, Creating a Department of Economic Development grant program relating to agricultural vocational and technical training facilities at West Virginia schools,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3095** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2-16a; and to amend and reenact §18-9D-3 of said code, all relating to creating special revenue account in the State Treasury known as School Building Authority Agricultural, Vocational and Technical Training Facilities Grant Fund; purposes and fund sources; providing for awarding grants with limitation; authorizing public-private partnerships; authorizing program rules and emergency rules if necessary; providing for project administration under grants by the School Building Authority and School Building Authority and providing for constructing, renovating and/or expanding agricultural, vocational and technical training facilities at West Virginia public schools,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Education has had under consideration:

**Com. Sub. for S. B. 121**, Creating Student Journalist Press Freedom Protection Act,

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 (Com. Sub. for S. B. 121) was 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. 3299**, Relating to Natural Resource Police Officer Retirement,

And reports the same back, with a title amendment, with the recommendation that it do pass, as amended.

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. 2026**, Transferring municipal police officers from the Public Employees Retirement System to the Municipal Police Officers and Firefighters Retirement System,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2026** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §8-22A-33a, relating to additional opportunity for municipal police officers or firefighters to transfer into the Municipal Police Officers and Firefighters Retirement System; providing for transfer of assets pertaining to municipal police officers or firefighters; requiring certain computations to be made by the Consolidated Public

Retirement Board; requiring certain payments; and terminating liability of the Public Employees Retirement System,”

**H. B. 3211**, Relating to authorizing service credit for unused accrued annual or sick leave days for use in determining retirement benefits from the municipal police and fire firefighter retirement systems still administered by municipalities,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3211** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-22A-27a, relating to authorizing service credit for unused accrued annual or sick leave days in the West Virginia Municipal Police Officers and Firefighters Retirement System,”

**H. B. 3254**, Establishing a State Military Funeral Honor Guard in honor of Hershel “Woody” Williams, known as the Hershel “Woody” Williams State Military Funeral Honor Guard,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3254** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-1B-28, relating to establishing the Hershel “Woody” Williams State Military Funeral Honor Guard; authorizing the Honor Guard to render professional military funeral honors under certain circumstances; providing eligibility; providing the adjutant general with certain authority; and providing effective date,”

**H. B. 3280**, To cause law enforcement and DNR agencies whose officers fall under PERS to submit to Tax a report at the time of retirement so that these officers qualify for the law enforcement officers’ tax credit,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3280** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-7-1 of said code, all relating to modifications reducing federal adjusted gross income for certain pension benefits; and authorizing additional modifications for pension benefits paid to Division of Natural Resources police, deputy sheriffs, full-time firefighters, and municipal police officers,”

And,

**H. B. 3364**, Requiring the closure of certain municipal policemen’s and firemen’s pension and relief funds as condition of issuance of pension funding revenue bonds,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for 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,”

With the recommendation that the committee substitutes each 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. 3244**, Relating to Municipal Pensions Oversight Board proposing legislative rules,

**H. B. 3519**, Making a supplementary appropriation to the Department of Transportation, Division of Motor Vehicles,

**H. B. 3520**, Making a supplementary appropriation to the Department of Education, State Board of Education – Vocational Division,

**H. B. 3521**, Making a supplementary appropriation to the Division of Health – Maternal and Child Health,

**H. B. 3522**, Making a supplementary appropriation to the Department of Commerce, Division of Natural Resources – License Fund – Wildlife Resources,

**H. B. 3523**, Making a supplementary appropriation to Miscellaneous Boards and Commissions, Economic Development Authority,

And,

**H. B. 3528**, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations,

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

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

**H. B. 3432**, Relating to statutory construction,

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

Delegate Phillips, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 3424**, Relating generally to the West Virginia State Athletic Commission,

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. 3424) was referred to the Committee on Finance.

Delegate Phillips, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 2782**, Require all municipal elections be held on the same election day in November that other state elections are on,

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. 2782) was referred to the Committee on the Judiciary.

Delegate Phillips, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 3490**, Relating to consolidation of local governments,

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. 3490) was referred to the Committee on the Judiciary.

Delegate Phillips, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 2305**, Relating to titling and registration of foreign market vehicles,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2305** - "A Bill to amend and reenact §17A-1-1 and §17A-3-5 of the Code of West Virginia, 1931, as amended, relating to foreign market vehicles at least 25 years old; defining a term; allowing foreign market vehicles at least 25 years old to be exempted from title requirements and to be registered under this article for an additional \$25 fee,"

And,

**H. B. 2860**, To dispose of old AFFF foam accumulated by fire departments,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2860** - "A Bill to amend and reenact §29-3-5g of the Code of West Virginia, 1931, as amended, relating to providing for the safe disposal of used aqueous film forming foam; defining a term; requiring the State Fire Commission to dispose of used aqueous film forming and other class B fire-fighting foams,"



With the recommendation that the committee substitutes 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. C. R. 31**, Permitting the West Virginia Department of Tourism to proceed with procuring bids/interest in companies to place a lodge on the property of Beech Fork Lake,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. C. R. 31** - "Permitting the West Virginia Division of Natural Resources to proceed with procuring bids and interest in companies to place a lodge on the property of Beech Fork Lake,"

With the recommendation that the committee substitute be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolution (Com. Sub. for H. C. R. 31) was referred to the Committee on Rules.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

**H. B. 3042**, Relating to forbidding excessive government limitations on exercise of religion,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3042** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §35-1A-1, all relating to forbidding excessive government limitations on exercise of religion; forbidding government from treating religious conduct more restrictively than any conduct of reasonably comparable risk; forbidding government from treating religious conduct more restrictively than comparable conduct because of alleged economic need or benefit; ensuring that, in all cases where state action is alleged to substantially burden the exercise of religion, that a compelling interest test is mandated, and strict scrutiny is applied; providing remedies; and addressing applicability and construction,"

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

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3271** - "A Bill to amend and reenact §18-20-11 of the Code of West Virginia, 1931, as amended, relating to increasing monitoring of special education classrooms; adding that an audio recording device be present in the restroom of a self-contained classroom; requiring that notice of audio recording device be placed on bathroom door; requiring county to monitor school audio recordings for at least 15 minutes every 90 days; and setting forth other review parameters for audio recordings,"

**H. B. 3363**, Law Enforcement Officers Safety Act,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3363** - "A Bill to amend and reenact §15A-3-10 of the Code of West Virginia, 1931, as amended; relating to recognizing the law-enforcement powers of correctional officers employed by the Division of Corrections and Rehabilitation; providing that such officers are not subject to certain certification requirements; authorizing the commissioner to consult with the Law Enforcement Professional Standards Subcommittee with regard to training; clarifying powers of arrest; and clarifying application of the federal Law Enforcement Officers Safety act to eligible employees,"

And,

**H. B. 3421**, Recodifying the code to eliminate conflicts,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 3421** - "A Bill to amend and reenact §3-1-30 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-12-17 of said code; 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,"

With the recommendation that the committee substitutes each do pass.

### **Messages from the Executive**

Communications from His Excellency, the Governor, advised that on February 22, 2023, he approved **Com. Sub. for H. B. 2412** and **H. B. 2602**.

### **Messages from the Senate**

A message from the Senate, by

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

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

A message from the Senate, by

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

**Com. Sub. for S. B. 297** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated, §5B-2K-1, §5B-2K-2, §5B-2K-3, §5B-2K-4, §5B-2K-5, §5B-2K-6, §5B-2K-7, §5B-2K-8, §5B-2K-9, §5B-2K-10, §5B-2K-11, §5B-2K-12, and §5B-2K-13, all relating to creation of the Mountain Homes Act; setting forth a short title; setting forth legislative findings; defining terms; providing for rulemaking; providing for an effective date; providing for a

sunset date; creating the Mountain Homes Fund; providing for the purposes of the fund; providing for administration of the fund; providing for recordkeeping; requiring reporting to the Joint Committee on Government and Finance and the Governor; setting forth required elements for the report; exempting certain materials from the Freedom of Information Act; establishing eligibility requirements for guarantee agreement; requiring an application for guarantee agreement; setting forth required elements in application; providing for decision on application for guarantee; establishing evaluation standards and criteria; providing for guarantee agreement; setting forth required terms in agreement; allowing for an extension of time; requiring adjacent properties to be subject to additional guarantee; providing for project administration and certification; setting forth powers and duties of secretary of Department of Economic Development; prohibiting certain projects; and providing for violations and criminal penalties"; which was referred to the Committee on Economic Development and Tourism then Finance.

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. 429** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3uu, relating to authorizing county commissions to impose a Health and Safety Fee for tourism and recreational activities within the county; listing applicable activities and how fee to be calculated thereon; providing that fee may only be collected once on any seasonal or annual pass purchased for activities to which fee is applicable; establishing that fee may not be collected or imposed on activities within municipalities that have levied an amusement tax; establishing who owes fee, collection, and remittance to county; authorizing counties to promulgate administrative procedures for collection of fee; providing that the sheriff is the county's agent for collection of fee; and establishing requirements for use of proceeds from fee"; which was referred to the Committee on Economic Development and Tourism then Finance.

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. 436** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-10-1 and §12-10-2, all relating to prompt payment of legitimate uncontested invoices by state agencies; providing that registered and qualified vendors shall be entitled to prompt payment upon presentation to a state agency of a legitimate uncontested invoice; providing the rate of interest and manner of calculation; determining the date an invoice is considered received by a state agency; outlining rights of state agencies to receive updated invoices with interest prior to payment; requiring state agencies to explain and calculate interest on the payment claim at the time it is submitted to the State Auditor; providing the timeline in which state agencies shall process payments; providing the timeline in which state agencies shall process payments for other agencies; providing for the definition of "state agency"; and providing for exceptions"; which was referred to the Committee on Government Organization then Finance.

A message from the Senate, by

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

**Com. Sub. for S. B. 523** - “A Bill to amend and reenact §31-15-23a of the Code of West Virginia, 1931, as amended, relating to funding for infrastructure and economic development; clarifying the purposes and use of the Economic Development Project Fund; providing that funds may be used solely for loans; providing for repayment of loans; providing a maximum of amount of the funds that may be used for financing high impact development projects; allowing for traditional loans; setting a maximum amount of funding for traditional loans; allowing for retention loans; setting a maximum amount of funding for retention loans; and providing for interest to be retained in the loan programs”; which was referred to the Committee on Finance.

A message from the Senate, by

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

**Com. Sub. for S. B. 539** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-22-4, relating to providing state and its political subdivisions with ability and process by which to negotiate lower price for construction work when all bids received exceed the maximum budgeted amount; establishing ability to make negotiated award to lowest responsive and responsible bidder when there are multiple bidders; and setting sunset date”; 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. 553** - “A Bill to amend and reenact §5A-3-10e of the Code of West Virginia, 1931, as amended, relating to allowing for evaluation of prequalified bidders to be based on best value”; 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 580** - “A Bill to amend and reenact §11-8-16 and §11-8-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §13-1-7 of said code, all relating to authorizing a special election for presenting the question of a special levy renewal for levies expiring prior to July 1, 2024; and authorizing the resubmission of questions to the voters at a regularly scheduled primary or general election for certain levy questions rejected at a prior election”; 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. 596** - “A Bill to amend and reenact §15A-3-16 of the Code of West Virginia, 1931, as amended; relating to the payment of payment for housing and maintenance of inmates; setting a per day, per inmate base rate; establishing a means of calculating fees; providing for a reduced rate in certain circumstances; providing for an enhanced rate in certain circumstances; providing for recalculation every decennial; requiring publication on the agency webpage; establishing an effective date; providing for official and personal liability for payment; and providing for an exception to personal liability”; which was referred to the Committee on Finance.

A message from the Senate, by

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

**Com. Sub. for S. B. 621** - “A Bill to amend and reenact §49-4-601 of the Code of West Virginia, 1931, as amended, relating to service of parties in child abuse and neglect matters; requiring the sheriff to serve the abuse and neglect petition and notice of a preliminary hearing without compensation; clarifying the procedure for notices of subsequent hearings and service via publication; and exempting the sheriff from further obligations to provide service, mailings, or publications after serving the petition and notice of preliminary hearing”; 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. 630** - “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 social service worker or home incarceration supervisor, acting in his or her official capacity thereby causing the death of the social worker or home incarceration supervisor; defining social service worker; and establishing the criminal penalty therefor as life in prison with parole eligibility after service of 15 years”; 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. 635** - “A Bill to amend and reenact §61-8-9 of the Code of West Virginia, 1931, as amended, relating to indecent exposure of a person’s nude penis, vagina, or anus; declaring that indecent exposure requires exposing one’s nude penis, vagina, or anus; authorizing a person convicted of third offense indecent exposure for purposes of sexual gratification to be both fined and imprisoned; creating enhanced penalties for second and subsequent violations; creating the criminal offense of indecent exposure in front of minors; removing breast-feeding exemption as unnecessary due to definition clarification; defining terms; and establishing criminal penalties for the new offense”; 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 from passage, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 674** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4, and §5-30-5, all relating to recognizing the creation of the West Virginia First Foundation pursuant to the terms of the West Virginia First Memorandum of Understanding; setting forth legislative findings; defining terms; specifying governing board membership; providing for appointment of an executive director of the governing board and setting forth qualifications; providing for audit and review of the foundation; and requiring local governments, regions, and the foundation to prepare annual reports”; which was referred to the Committee on the Judiciary.

### Resolutions Introduced

Resolutions were introduced and severally referred as follows:

**By Delegates Anderson, Zatezalo, Fehrenbacher, Barnhart, Foggin, Young, Heckert, Warner, Rowe, Hansen and Street:**

**H. R. 17** – “Urging the West Virginia Geologic and Economic Survey to work collectively with private industry, higher education institutions, with the support of the West Virginia Development Office, to evaluate policy options to encourage the capture and beneficial use of coal mine methane”; to the Committee on Energy and Manufacturing then Rules.

And,

**By Delegates Coop-Gonzalez and Nestor:**

**H. C. R. 51** – “Requesting the Division of Highways name bridge number 42-092/00-035.05 (42A241), (38.93675, -79.87766) locally known as CRYSTAL SPRINGS BRIDGE, carrying WV 92 over LEADING CREEK in Randolph County, the ‘U. S. Army SFC Samuel Evans Miller Memorial Bridge’”; to the Committee on Technology and Infrastructure then Rules.

### Motions

Delegate Heckert asked and obtained unanimous consent to be added as a cosponsor of H. B. 3552.

Delegate C. Pritt asked and obtained unanimous consent to be added as a cosponsor of H. B. 3353.

### Special Calendar

#### Unfinished Business

The following resolutions, coming up in regular order as unfinished business, were, in the absence of objection, considered en masse:

**H. C. R. 14**, Stanley W. and Evelyn C. See Memorial Bridge,

**H. C. R. 16**, U. S. Army Staff Sgt. James Ira “Junior” Spurrier Memorial Bridge,

**H. C. R. 21**, Michael Lee “Rube” Ruben Memorial Bridge,

**H. C. R. 22**, U.S. Army T/5 Doyle Bedell Taylor Memorial Bridge,

**H. C. R. 24**, U. S. Army PFC Herman H. Lucas Memorial Bridge,

**H. C. R. 26**, U.S. Army SGT Samuel D. Roberts Sr. Memorial Bridge,

**H. C. R. 28**, Terra Dawn Lewis Memorial Road and Bridge,

And,

**H. C. R. 32**, The Albert “Ab” Baisden Memorial Bridge.

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

The yeas and nays having been ordered, they were taken (**Roll No. 205**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Hott and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the resolutions (H. C. R. 14, H. C. R. 16, H. C. R. 21, H. C. R. 22, H. C. R. 24, H. C. R. 26, H. C. R. 28 and H. C. R. 32) adopted.

*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. C. R. 2**, U. S. Army Cpl. Billy F. Mann Memorial Bridge; coming up in regular order, as unfinished business, was reported by the Clerk.

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

The yeas and nays having been ordered, they were taken (**Roll No. 206**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Hott and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the resolution (Com. Sub, for H. C. R. 2) adopted.

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

**H. C. R. 25**, U. S. Marine Corps, PFC John Louis “Johnny” Brumbaugh, Jr. Memorial Bridge; coming up in regular order, as unfinished business, was reported by the Clerk.

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

The yeas and nays having been ordered, they were taken (**Roll No. 207**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Hott and Riley.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (H. C. R. 25) adopted.

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

**H. C. R. 27**, Requesting 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; coming up in regular order, as unfinished business, was reported by the Clerk, and adopted.

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

### Third Reading

**Com. Sub. for H. B. 2538**, Requiring usage of child welfare information technology systems; 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. 208**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Hott and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2538) passed.

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

On this question, the yeas and nays were taken (**Roll No. 209**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Hott and Riley.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2538) 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.

**H. B. 2607**, Clarify that vehicles with a capacity larger than 10 passengers may be used to transport students provided that no more than 10 passengers may be transported at one time; 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. 210**), and there were—yeas 95, nays 2, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Toney and Vance.

Absent and Not Voting: Garcia, Hott and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2607) 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. 2827**, Make public charter schools eligible for Safe Schools Funds; 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. 211**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Adkins.

Absent and Not Voting: Hott, Riley and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2827) 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. 2917**, Relating to allowing retired state employees who meet the minimum qualifications necessary, to render post-retirement employment with the Department of Health and Human Resources; 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. 212**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Hott, Riley and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2917) passed.

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

On this question, the yeas and nays were taken (**Roll No. 213**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Hott, Riley and Williams.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2917) 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. 3005**, Relating to accelerating the conversion of the state excise tax on the privilege of transferring real property into a county excise tax; 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. 214**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Foster, Linville and Tully.

Absent and Not Voting: Hott and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3005) passed.

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

On this question, the yeas and nays were taken (**Roll No. 215**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Howell and Linville.

Absent and Not Voting: Hott and Riley.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3005) 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.

**Rev. Com. Sub. for H. B. 3110**, Relating to funding the Office of Oil and Gas in the Department of Environmental Protection; 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. 216**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Hott and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Rev. Com. Sub. for H. B. 3110) 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. 3148**, Relating to financing municipal policemen's and firemen's pension and relief funds; 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. 217**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Hott and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3148) 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. 3337**, Prohibiting additional drug and alcohol treatment facilities and services in a certain county; 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. 218**), and there were—yeas 77, nays 21, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Bridges, Clark, Coop-Gonzalez, Fluharty, Foster, Garcia, Hansen, Hornbuckle, Howell, Linville, Martin, C. Pritt, E. Pritt, Pushkin, Ross, Skaff, Summers, Tully, Walker, Williams and Young.

Absent and Not Voting: Hott and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3337) passed.

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

**H. B. 3337** – “A Bill to amend and reenact §16-2D-9 of the Code of West Virginia, 1931, as amended, relating to prohibiting a certificate of need; prohibiting licensed substance abuse treatment beds in certain counties; and making recent purchases exempt.”

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

On this question, the yeas and nays were taken (**Roll No. 219**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Clark, Howell and Linville.

Absent and Not Voting: Hott and Riley.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3337) 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.

**H. B. 3340**, To revise the West Virginia Tax Increment Financing 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. 220**), and there were—yeas 73, nays 24, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Adkins, Burkhammer, Butler, Coop-Gonzalez, Dillon, Fast, A. Hall, Jennings, Kimble, Kirby, Kump, Longanacre, Mallow, Martin, McGeehan, Nestor, Phillips, C. Pritt, Pushkin, Ridenour, Street, Summers, Vance and Worrell.

Absent and Not Voting: Hott, Riley and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3340) passed.

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

On this question, the yeas and nays were taken (**Roll No. 221**), and there were—yeas 82, nays 15, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Adkins, Burkhammer, Butler, Coop-Gonzalez, Dillon, A. Hall, Kimble, Kump, Longanacre, Martin, McGeehan, Nestor, C. Pritt, Summers and Vance.

Absent and Not Voting: Hott, Riley 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. 3340) 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.

**H. B. 3353**, Relating to the limitations on the financial relationships with foreign entities that have values antithetical to those of the State of West Virginia; 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. 222**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Coop-Gonzalez, A. Hall, Hott, Marple and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3353) 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. 3376**, Relating to changing the term teacher in residence to clinical teacher of record; 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. 223**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Coop-Gonzalez, Hott, Marple, Ridenour and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3376) 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. 3387**, Extending the moratorium on the authorization of new convention and visitors bureaus for an additional two years; 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. 224**), and there were—yeas 88, nays 8, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Dean, Dillon, Jennings, Kump, Martin, Pushkin, Vance and Young.

Absent and Not Voting: Hott, Marple, Ridenour and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3387) 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. 3391**, 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; 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. 225**), and there were—yeas 89, nays 6, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Dillon, Fluharty, A. Hall, Rowe, Storch and Vance.

Absent and Not Voting: DeVault, Hott, Kirby, Marple and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3391) passed.

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

On this question, the yeas and nays were taken (**Roll No. 226**), 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: Dillon, A. Hall and Vance.

Absent and Not Voting: DeVault, Hott, Kirby, Longanacre, Marple and Riley.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3391) 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.

**H. B. 3431**, Eliminating the requirement that the apprenticeship training tax credit base be limited to wages paid to apprentices in the construction trades; 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. 227**), and there were—yeas 92, nays 1, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Hardy.

Absent and Not Voting: Foggin, Hott, Kirby, Longanacre, Marple, Mazzocchi and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3431) 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. 3441**, Revising the training requirements for members of the Higher Education Policy Commission, Council for Community and Technical College Education and the institutional governing boards; 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. 228**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Hott, Kirby and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3441) 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. 3547**, Increasing the number of personal leave days that county board of education employees may use; 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. 229**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Hott, Kirby, Riley and Rowe.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3547) 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. 3548**, Relating to teacher duty-free lunch and daily planning periods; 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. 230**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Hott, Kirby and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3548) 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. 3549**, Relating to classroom teachers and special education classroom teachers individualized education program requirements; 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. 231**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Foggin.

Absent and Not Voting: Hott, Kirby and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3549) passed.

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

At 1:36 p.m., on motion of Delegate Kelly, the House of Delegates recessed until 6:00 p.m.

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### Evening Session

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

### Messages from the Senate

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

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

A message from the Senate, by  
The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates, with further amendment, and the passage, as amended, of

**S. B. 128**, Clarifying authority of Governor and Legislature to proclaim and declare state of emergency and preparedness.

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

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

**“ARTICLE 5. DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT.****§15-5-2. Definitions.**

As used in this article:

(1) ‘Board’ means the West Virginia Disaster Recovery Board created by this article;

(2) ‘Code’ means the Code of West Virginia, 1931, as amended;

(3) ‘Community facilities’ means a specific work, or improvement within this state or a specific item of equipment or tangible personal property owned or operated by any political subdivision or nonprofit corporation and used within this state to provide any essential service to the general public;

(4) ‘Critical infrastructure’ includes any systems and assets, whether physical or virtual, so vital to the state that the incapacity or destruction of such systems and assets would have a debilitating impact on security, state economic security, state public health or safety, or any combination of those matters;

(5) ‘Disaster’ means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or terrorist or man-made cause, including weapons of mass destruction, fire, flood, earthquake, wind, snow, storm, chemical or oil spill or other water or soil contamination, epidemic, air contamination, blight, drought, infestation or other public calamity requiring emergency action;

(6) ‘Disaster recovery activities’ means activities undertaken prior to, during or following a disaster to provide, or to participate in the provision of, critical infrastructure, emergency services, temporary housing, residential housing, essential business activities, and community facilities;

(7) ‘Emergency services’ means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to protect, respond, and recover, to prevent, detect, deter, and mitigate, to minimize and repair injury and damage resulting from disasters or other event caused by flooding, terrorism, enemy attack, sabotage, or other natural or other man-made causes. These functions include, without limitation, critical infrastructure services, firefighting services, police services, medical and health services, communications, emergency telecommunications, radiological, chemical, and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to the health, safety, and welfare of the citizens of this state, together with all other activities necessary or incidental to the preparation for and carrying out of these functions. Disaster includes the imminent threat of disaster as well as its occurrence and any power or authority exercisable on account of a disaster that may be exercised during the period when there is an imminent threat;

(8) ‘Essential business activities’ means a specific work or improvement within this state or a specific item of equipment or tangible personal property used within this state by any person to provide any essential goods or critical infrastructure services determined by the authority to be necessary for continued operations during a disaster, state of emergency, or state of preparedness, and for recovery from a disaster;



~~'Essential workers' means employees or contractors that fall under the definition of essential business activities during a disaster, state of emergency, or state of preparedness~~

(9) 'Local organization for emergency services' means an organization created in accordance with the provisions of this article by state or local authority to perform local emergency services function functions;

(10) 'Mobile support unit' means an organization for emergency services created in accordance with the provisions of this article by state or local authority to be dispatched by the Governor to supplement local organizations for emergency services in a stricken area;

(11) 'Person' means any individual, corporation, voluntary organization or entity, partnership, firm, or other association, organization, or entity organized or existing under the laws of this or any other state or country;

(12) 'Political subdivision' means any county or municipal corporation in this state;

(13) 'Recovery fund' means the West Virginia Disaster Recovery Trust Fund created by this article;

(14) 'Residential housing' means a specific work or improvement within this state undertaken primarily to provide dwelling accommodations, including the acquisition, construction or rehabilitation of land, buildings and improvements thereto, for residential housing, including, but not limited to, facilities for temporary housing and emergency housing, and any other nonhousing facilities that are incidental or appurtenant thereto;

(15) 'Secretary' means the Secretary of the West Virginia Department of Military Affairs and Public Safety Homeland Security; and

(16) 'State of emergency' means the duly proclaimed existence of conditions of disaster or other serious threat to the health or safety of persons and property within West Virginia, or a specific geographic area thereof, including but not limited to an attack upon the state or the United States, a natural or man-made disaster of major proportions, a pandemic, or other large-scale threat beyond the capacity of local control;

(17) 'State of preparedness' means the duly proclaimed authorization for:

(A) Specialized planning and preparation activities intended to minimize the anticipated effect of conditions constituting a state of emergency, as defined in this section, which, in the judgment of the Governor, are expected to commence within the next 30 days, or within a period of longer than 30 days if necessary to obtain funding or maintain compliance with federal or interjurisdictional requirements: *Provided*, That a state of preparedness which is duly proclaimed under such circumstances shall be referred to as a 'Class I state of preparedness'; or

(B) Specialized planning and preparation activities intended to minimize, by use of any available and appropriate federal or state governmental resources, the anticipated impact of or anticipated threats caused by a planned or anticipated event of such large size or scope that it is beyond the capacity of local control, and which is scheduled to commence within the next 30 days, or within a period of time longer than 30 days if necessary to obtain funding or maintain compliance with federal or interjurisdictional requirements: *Provided*, That a state of preparedness

which is duly proclaimed under such circumstances shall be referred to as a 'Class II state of preparedness'; and

(18) 'Temporary housing' means a specific work or improvement within this state undertaken primarily to provide dwelling accommodations, including the acquisition, construction or rehabilitation of land, buildings and improvements thereto, for temporary residential shelters or housing for victims of a disaster and such other nonhousing facilities that are incidental or appurtenant thereto.

**§15-5-6. Emergency powers of Governor Proclamation of a state of emergency or state of preparedness by the Governor or the Legislature; additional powers of the Governor during a state of emergency or state of preparedness.**

~~(a) The provisions of this section are operative only during the existence of a state of emergency or state of preparedness. The existence of a state of emergency or state of preparedness may be proclaimed by the Governor or by concurrent resolution of the Legislature if the Governor in the proclamation, or the Legislature in the resolution, finds that an attack upon the United States has occurred or is anticipated in the immediate future, or that a natural or man-made disaster of major proportions has actually occurred or is imminent within the state, or that an emergency exists or may be imminent due to a large-scale threat beyond local control, and that the safety and welfare of the inhabitants of this state require an invocation of the provisions of this section.~~

~~(b) Any state of emergency or state of preparedness, whether proclaimed by the Governor or by the Legislature, terminates upon the proclamation of the termination by the Governor, or the passage by the Legislature of a concurrent resolution terminating the state of emergency or state of preparedness: *Provided*, That in no case shall a state of preparedness last longer than thirty days.~~

~~(c) So long as a state of emergency or state of preparedness exists, the Governor has and may exercise the following additional emergency powers:~~

~~(1) To enforce all laws and rules relating to the provision of emergency services and to assume direct operational control of any or all emergency service forces and helpers in the state.~~

~~(2) To sell, lend, lease, give, transfer, or deliver materials or perform functions relating to emergency services on terms and conditions he or she prescribes and without regard to the limitations of any existing law and to account to the State Treasurer for any funds received for the property.~~

~~(3) To procure materials and facilities for emergency services by purchase, condemnation under the provisions of chapter fifty-four of this code or seizure pending institution of condemnation proceedings within thirty days from the seizing thereof and to construct, lease, transport, store, maintain, renovate, or distribute the materials and facilities. Compensation for property so procured shall be made in the manner provided in chapter fifty-four of this code.~~

~~(4) To obtain the services of necessary personnel, required during the emergency, and to compensate them for their services from his or her contingent funds or other funds available to him or her.~~

~~(5) To provide and compel the evacuation of all or part of the population from any stricken or threatened area within the state and to take steps that are necessary for the receipt and care of the evacuees.~~

~~(6) To control ingress and egress to and from a disaster area or an area where large scale threat exists, the movement of persons within the area and the occupancy of premises therein.~~

~~(7) To suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders, rules of any state agency, if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with the emergency.~~

~~(8) To use available resources of the state and of its political subdivisions that are reasonably necessary to cope with the emergency.~~

~~(9) To suspend or limit the sale, dispensing or transportation of alcoholic beverages, explosives, and combustibles; (10) To make provision for the availability and use of temporary emergency housing; and~~

~~(11) To perform and exercise other functions, powers and duties that are necessary to promote and secure the safety and protection of the civilian population.~~

~~(d) The declaration of a state of preparedness has the same effect as a declaration of a state of emergency for the purposes of the Emergency Management Assistance Compact established in section twenty two of this article and the Statewide Mutual Aid Systems set forth in section twenty eight of this article.~~

~~(e) The powers granted under this section do not authorize any action that would violate the prohibitions of section nineteen a of this article~~

(a) The provisions of this section, and any executive order issued pursuant to the provisions of this section, are operative only during the existence of a state of emergency or state of preparedness: *Provided*, That nothing in this section or in any executive order issued hereunder may be construed to suspend or supersede any provision of the United States Constitution or West Virginia Constitution.

(b) The existence of a state of emergency may be proclaimed by the Governor by executive order or by concurrent resolution of the Legislature if the Governor in the proclamation, or the Legislature in the concurrent resolution, finds that conditions warranting the proclamation of a state of emergency, as defined in this article, exist, and that the health, safety, and welfare of the inhabitants of this state require an invocation of the provisions of this section: *Provided*, That a gubernatorially proclaimed state of emergency expires 60 days after issuance of the executive order unless, prior to the 60th day, the Legislature adopts a concurrent resolution extending the state of emergency beyond 60 days. A concurrent resolution adopted by the Legislature to extend a state of emergency proclaimed by the governor shall set forth within its terms the length of time for which the state of emergency shall be extended. A state of emergency, whether proclaimed by the Governor or by the Legislature, terminates upon the issuance of a proclamation of termination by the Governor, or the passage by the Legislature of a concurrent resolution terminating the state of emergency.

(c) The existence of a state of preparedness may be proclaimed by the Governor by executive order or by concurrent resolution of the Legislature, if the Governor in the proclamation or the

Legislature in the resolution, finds that conditions warranting the proclamation of a state of preparedness, as defined in this article, exist, and that the health, safety, and welfare of the inhabitants of this state require the invocation of the provisions of this section: *Provided*, That the Governor or the Legislature shall proclaim a state of preparedness as a 'Class I state of preparedness' or a 'Class II state of preparedness', as defined in this article, by law: *Provided however*, That a gubernatorially proclaimed Class I state of preparedness expires 30 days after issuance of the executive order unless, prior to the 30th day, the Legislature adopts a concurrent resolution extending the state of preparedness beyond 30 days. A concurrent resolution adopted by the Legislature to extend a Class I state of preparedness proclaimed by the governor shall set forth within its terms the length of time for which the state of preparedness shall be extended. A Class II state of preparedness, whether proclaimed by the Governor or by the Legislature, terminates upon the issuance of a proclamation of termination by the Governor, or the passage by the Legislature of a concurrent resolution terminating the Class II state of preparedness.

(d) When a state of emergency follows a state of preparedness involving the same or substantially similar circumstances, the total time allotted for the duration of the two combined shall be no more than 90 days, unless the Governor follows the requirements for extending the state of emergency under subsection (b) of this section.

(e) Any proclamation or concurrent resolution issued under this section shall include, in general terms:

(1) A description of the facts and circumstances warranting the proclamation or concurrent resolution; and

(2) A designation of the geographic area threatened.

(f) Any proclamation or resolution shall be disseminated as soon as practicable to the news media and any other means which are calculated to bring its contents to the attention of the general public: *Provided*, That for a gubernatorial proclamation of a state of emergency or state of preparedness, the Governor shall provide a copy of the executive order to the President of the Senate, the Speaker of the House of Delegates, and the Joint Committee on Government and Finance.

(g) Under a duly proclaimed state of emergency or state of preparedness, the Governor has the following additional powers which are intended to be construed to authorize actions which are consistent with constitutional or statutory law, or with final orders of those courts of competent jurisdiction to which the Governor is subject:

(1) To enforce all laws and rules relating to the provision of emergency services and to assume direct operational control of any or all emergency service entities and personnel in the state;

(2) To sell, lend, lease, give, or transfer property, to make purchases, deliver materials or perform functions relating to emergency services on terms and conditions he or she prescribes without regard to the limitations of any existing law or being required to account to the State Treasurer for any funds received for the property;

(3) To procure materials and facilities for emergency services by purchase, condemnation under the provisions of §54-1-1 *et seq.* of this code, or seizure pending institution of condemnation proceedings within 30 days from the seizing thereof and to construct, lease, transport, store,

maintain, renovate, or distribute the materials and facilities. Compensation for the procured property shall be made in the manner provided in §54-1-1 et seq. of this code;

(4) To obtain the services of necessary personnel required during the emergency or in preparation for the emergency, and to compensate such personnel for their services from the Governor's Contingent Fund or other funds available to him or her;

(5) To provide and compel the evacuation of all or part of the population from any stricken or threatened area within the state and to take steps that are necessary for the receipt and care of the evacuees;

(6) To control ingress and egress into or out of a disaster area or other area subject to a state of emergency or state of preparedness, as well as the movement of persons and occupancy of premises within the area;

(7) To suspend the provisions of any statute prescribing the procedures for the conduct of state business or the orders, or rules of any state agency, if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with the emergency: *Provided*, That nothing in this subdivision may be construed as granting the Governor the power to suspend any provision of this section;

(8) To use available resources of the state and of its political subdivisions that are reasonably necessary to cope with the emergency or to prepare for the emergency;

(9) To suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles: *Provided*, That explosives and combustibles do not include firearms, ammunition, components of ammunition, or ammunition-reloading equipment and supplies;

(10) To make provision for the availability and use of temporary emergency housing; and

(11) To perform and exercise other functions, powers and duties that are necessary to promote and secure the safety and protection of the civilian population.

(h) The declaration of a state of preparedness has the same effect as a declaration of a state of emergency for the purposes of the Emergency Management Assistance Compact established in §15-5-22 of this code, and the Statewide Mutual Aid System set forth in §15-5-28 of this code.

(i) The powers granted under this section do not authorize any action that would violate the prohibitions of §15-5-19a of this code.

(j) During any state of preparedness or state of emergency proclaimed at any time, an executive order of the Governor may not:

(1) Close churches or other houses of worship or prevent their operation in any manner that is more restrictive than the least restrictive provisions in place for the operation of the most essential facilities of government or private enterprise.

(2) Suspend or limit the lawful sale, lawful transfer, or lawful transportation of firearms, ammunition, components of ammunition, or ammunition-reloading equipment and supplies; or

(3) Except as authorized by the provisions of this article, interfere with, or impair the operation of the news media.

(k) Unless expressly authorized by an executive order of the Governor, a municipal, county, or state health officer, under color of a duly proclaimed state of emergency or state of preparedness, shall not take any enforcement action which is not authorized by statute.

(l) Any suit filed challenging an executive order issued relating to a state of preparedness or emergency pursuant to the authority granted in this section shall be limited to a petition for a writ of prohibition or mandamus pursuant to Rule 16 of the Rules of the West Virginia Supreme Court of Appeals. The provisions of §55-17-3 of this code are not applicable to any suit filed challenging an executive order issued pursuant to this section.”

And,

By amending the title of the bill to read as follows:

**S. B. 128** – “A Bill to amend and reenact §15-5-2 and §15-5-6 of the Code of West Virginia, 1931, as amended, all relating to states of emergency and preparedness; defining terms; clarifying the authority of the Governor and the Legislature to proclaim or declare states of emergency and preparedness; creating two classes of states of preparedness and establishing the criteria therefor; establishing the initial duration of gubernatorially proclaimed states of emergency and preparedness and the requirements for extending same; expanding and clarifying the powers of the Governor as to what he or she may order under proclamations of states of emergency and preparedness; expressly limiting the Governor’s authority to order certain actions in an executive order issued pursuant to a proclamation or declaration of a state of emergency or preparedness; clarifying that the declaration of a state of preparedness has the same effect as a declaration of a state of emergency for the purposes of the Emergency Management Assistance Compact and the Statewide Mutual Aid System; and stating that the powers granted as to orders issued under states of emergency do not include the authority to limit the lawful possession and use of firearms and ammunitions.”

The bill, as amended by the House, and further amended by the Senate, was put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 232**), and there were—yeas 87, nays 4, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Butler, Dillon, Kirby and Street.

Absent and Not Voting: Bridges, Criss, Hott, Jeffries, Kump, Pinson, Skaff, Steele and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 128) passed.

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

On this question, the yeas and nays were taken (**Roll No. 233**), and there were—yeas 89, nays 3, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Butler, Dillon and Kirby.

Absent and Not Voting: Bridges, Criss, Hott, Jeffries, Kump, Pinson, Steele and Williams.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 128) takes effect from its passage.

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

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. 195** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, and §18-2L-4, all relating to the creation of the Glucagon for Schools Act; defining terms; allowing prescription for undesignated glucagon in the name of a school district or school; allowing school to maintain a supply of undesignated glucagon; allowing trained school personnel to administer undesignated glucagon if the student's prescribed glucagon is not available on-site or has expired; prohibiting licensed health professional with prescribing authority and pharmacist from being held responsible for harm due to the administration of undesignated glucagon in certain instances; declaring school personnel, the school district or school of employment, members of the governing school board, and the chief administrator are not liable in any criminal action or for civil damages as a result of administering undesignated glucagon in certain instances; requiring a school to call local emergency assistance and notify certain others immediately after the administration of undesignated glucagon; stating that each school should have an easily accessible glucometer on site; allowing all school personnel in schools that have students with diabetes to receive certain training; allowing designated school personnel to be trained to perform tasks necessary to assist a student with diabetes in accordance with his or her diabetes care plan; allowing school district to coordinate staff training; allowing school nurses, where available, or certain health care providers to provide technical assistance, consultation, or both to school personnel; and requiring an information sheet to be provided to any school employee who transports a student for school-sponsored activities"; which was referred to the Committee on Health and Human Resources then Education.

A message from the Senate, by

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

**Com. Sub. for S. B. 480** - "A Bill to amend and reenact §33-16-1a and §33-16-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §33-16-2a, all relating to modifying group accident and sickness insurance requirements and permitting self-insured multiple employer welfare arrangements; modifying and creating definitions; reducing requirements for bona fide associations; authorizing bona fide associations in good standing to sponsor and operate self-insured multiple employer welfare arrangements if certain requirements are met; setting forth requirements for self-insured multiple employer welfare arrangements; authorizing Insurance Commissioner to issue certificates of authority; imposing a non-refundable filing fee; requiring annual reporting by the arrangements; requiring rulemaking by Insurance Commissioner; and authorizing rulemaking on penalties, fines, and suspension and revocation of certificates of authority for violations of requirements for

multiple employer welfare arrangements”; which was referred to the Committee on Health and Human Resources then 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. 577** - “A Bill to amend and reenact §33-59-1 of the Code of West Virginia, 1931, as amended, relating to diabetes; reducing copayments; adding coverage for devices; and permitting testing equipment to be purchased without a prescription”; which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

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

**Com. Sub. for S. B. 594** - “A Bill to amend and reenact §33-15-4t of the Code of West Virginia, 1931, as amended; to amend and reenact §33-16-3ee of said code; to amend and reenact §33-24-7t of said code; to amend and reenact §33-25-8q of said code; and to amend and reenact §33-25A-8t of said code, all relating to cost-sharing calculations in insurance code and Health Savings Account eligibility.”

At the respective requests of Delegate Kelly, and by unanimous consent, reference of the bill (Com. Sub. for S. B. 594) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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. 597** - “A Bill to amend and reenact §21A-2-6 of the Code of West Virginia, 1931, as amended, relating to unemployment compensation; and permitting the Commissioner of Workforce West Virginia to hire up to 200 exempt employees”; 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. 608** - “A Bill to amend and reenact §61-7-2 of the Code of West Virginia, 1931, as amended, relating to dangerous weapons; and correcting the partial list of items which are considered deadly weapons”; 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. 620** - “A Bill to amend and reenact §3-1-5 of the Code of West Virginia, 1931, as amended, relating to the maximum number of registered voters per precinct and the distance between voting precincts that a county commission may consider for consolidation when the public convenience requires”; 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. 631** - "A Bill to amend and reenact §3-1-48 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-2-6 and §3-2-18 of said code; all relating to elections in general, and specifically to the expenditure of federal appropriations from Congress to the Secretary of State for purposes that further the administration of federal elections held in the state, payable from the County Assistance Voting Equipment Fund; clarifying the uniform statewide deadline for electronically submitted voter registration applications; and changing the deadline by which county clerks must report voter participation history after an election into the statewide voter registration system"; 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. 641** - "A Bill to amend and reenact §3-10-3 of the Code of West Virginia, 1931, as amended, relating to when vacancies in the office of magistrate shall be filled by election or appointment; clarifying that when a vacancy in the office of magistrate creates an unexpired term of more than three years the vacancy shall be filled by election; and clarifying that when a vacancy in the office of magistrate creates an unexpired term of less than three years the vacancy shall be filled by appointment"; 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. 644** - "A Bill to amend and reenact §3-7-3, §3-7-6, and §3-7-7 of the Code of West Virginia, 1931, as amended, all relating to contested elections procedure update; changing jurisdiction of election contests for county, district, and municipal elections to the circuit courts; requiring a recount proceeding to be completed before filing certain election contests; providing certain procedural requirements for election contests before circuit courts; providing for appeals of a decision made by a circuit court in an election contest be made to the Supreme Court of Appeals; and granting rule-making authority to the Supreme Court of Appeals regarding election contests before circuit courts"; which was referred to the Committee on the Judiciary.

### Second Reading

**Com. Sub. for H. B. 2252**, Relating to establishing criminal penalties for human trafficking; 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. 2761**, To allow classroom aides with 10 or more years of service and good evaluations to bid on teaching positions; 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. 2865**, To clarify that the PSC may enter an order requiring corrective measures up to and including an acquisition of a distressed or failing utility; 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. 3006**, West Virginia Critical Infrastructure Protection Act; on second reading, coming up in regular order, was reported by the Clerk.

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

**H. B. 3188**, Relating to the establishment of an alert system for missing cognitively impaired persons; 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. 3189**, The PFAS Protection 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. 3198**, Relating to obtaining title to abandoned or junked motor vehicles abandoned on the property or place of business of an automobile dealer; 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. 3247**, Relating to abuse and or neglect of individuals with an intellectual and or developmental disability; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Linville and Summers, the bill was amended on page 22, section 4, line 2, immediately following the word “annually,” by striking the word “or” and inserting in lieu thereof the word “and”

And,

On page 23, section 4, line 5, immediately following the word “years,” by striking the word “or” and inserting in lieu thereof the word “and”

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 3265**, Remove statutory mandates that the sheriff of a county shall serve process or is responsible for cost of service or arrest by another law enforcement agency; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3417**, Including Potomac State College in the definition of community and technical college education program for participation in the “Learn and Earn Program”; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3448**, Relating generally to probation officer field training; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3499**, To permit joint tenancy with rights of survivorship when transfer on death deeds specify a joint tenancy with right of survivorship; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3555**, Relating to student purchase and refunds of course material; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

### First Reading

**Com. Sub. for H. B. 2016**, Relating to confidential childcare records; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 2064**, To create commercial opportunity zones to attract new businesses to West Virginia; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 2065**, West Virginia Heavy Duty Truck Excise Tax Elimination Act; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 2122**, Relating to custodial interrogation of a child; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 2483**, Creating a tax credit for improving facades in historic districts; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 2567**, Relating to felony trespassing; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 2648**, Authorizing certain agencies and boards of the DHHR to promulgate a legislative rule; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 2759**, Relating to updating the health care provider tax; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 2760**, To allow CPR fire fighters to drive ambulances when both attendants are needed to administer patient care; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3013**, Relating to authorizing the Jefferson County Commission to levy a special district excise tax; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3059**, Give PSC authority to fine Class I railroads for safety and operational violations; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3114**, Deny severance pay to employees of DOT for failure or refusal of drug testing; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3232**, Regulation of Fantasy Gaming Competitions and Implementation of Sports Wagering; on first reading, was reported by the Clerk.

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

**Com. Sub. for H. B. 3214**, To create the Road Optimization & Assessment Data (ROAD) Pilot Project; on first reading, was then read a first time and ordered to second reading.

**Com. Sub. for H. B. 3274**, Creating the Affordable Medicaid Buy-in Program; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3341**, To allow cigar bars; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3398**, Relating to the establishment of the West Virginia Memorial to Fallen Heroes of the Global War on Terrorism; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3409**, Relating to authorizing application of the manufacturing investment tax credit and the manufacturing property tax adjustment credit against personal income tax; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3444**, Relating to the creation of the West Virginia Semiquincentennial Commission and Fund; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3445**, Relating generally to probation and parole; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3450**, Relating generally to racetrack video lottery and the Licensed Racetrack Modernization Fund; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3459**, To allow for a best value procurement evaluation for prequalified bidders; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3473**, Creating a workgroup relating to Dig Once Policy; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3479**, Creating requirements for use of unmanned aircraft; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3482**, To create the Coal Fired Grid Stabilization and Security Act of 2023; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3484**, Relating to SNAP benefits; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3487**, Relating to cost-sharing calculations for certain Health Savings Account-qualified High Deductible Health Plans; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3493**, Relating to prohibiting certain foreign ownership of agricultural land; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 3551**, Provide for criminal history record restrictions for certain persons; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3552**, Relating to per diem jail costs; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3554**, Relating to prohibiting a municipality or the governing body of any municipality from limiting rental of a property; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 3556**, Uniform Recognition and Enforcement of Canadian Domestic Violence Protective Orders Act; on first reading, coming up in regular order, was read a first time and ordered to second reading.

### **Leaves of Absence**

At the request of Delegate Kelly, and by unanimous consent, leave of absence for the day were granted Delegate Hott.

### **Miscellaneous Business**

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

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

**H. B. 2875**: Delegate Kump;

And,

**H. B. 3313**: Delegate C. Pritt;

At 6:30 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, February 24, 2023.

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

## **SPECIAL CALENDAR**

**Friday, February 24, 2023**

**45<sup>th</sup> Day**

**11:00 A. M.**

### **THIRD READING**

- Com. Sub. for H. B. 2252 - Relating to establishing criminal penalties for human trafficking (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2761 - To allow classroom aides with 10 or more years of service and good evaluations to bid on teaching positions (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2865 - To clarify that the PSC may enter an order requiring corrective measures up to and including an acquisition of a distressed or failing utility (LINVILLE) (REGULAR)
- H. B. 3188 - Relating to the establishment of an alert system for missing cognitively impaired persons (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3189 - The PFAS Protection Act (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3198 - Relating to obtaining title to abandoned or junked motor vehicles abandoned on the property or place of business of an automobile dealer (LINVILLE) (REGULAR)
- Com. Sub. for H. B. 3247 - Relating to abuse and or neglect of individuals with an intellectual and or developmental disability (SUMMERS) (REGULAR)
- Com. Sub. for H. B. 3265 - Remove statutory mandates that the sheriff of a county shall serve process or is responsible for cost of service or arrest by another law enforcement agency (CAPITO) (REGULAR)
- H. B. 3417 - Including Potomac State College in the definition of community and technical college education program for participation in the "Learn and Earn Program" (HOWELL) (REGULAR)
- H. B. 3448 - Relating generally to probation officer field training (CAPITO) (REGULAR)
- H. B. 3499 - To permit joint tenancy with rights of survivorship when transfer on death deeds specify a joint tenancy with right of survivorship (CAPITO) (REGULAR)
- H. B. 3555 - Relating to student purchase and refunds of course material (ELLINGTON) (REGULAR)

## SECOND READING

- Com. Sub. for S. B. 594 - Specifying fairness in cost sharing calculations for certain high deductible health plans (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2016 - Relating to confidential childcare records (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2064 - To create commercial opportunity zones to attract new businesses to West Virginia (HOWELL) (JULY 1, 2023)
- Com. Sub. for H. B. 2065 - West Virginia Heavy Duty Truck Excise Tax Elimination Act (HOWELL) (JULY 1, 2023)
- Com. Sub. for H. B. 2122 - Relating to custodial interrogation of a child (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2483 - Creating a tax credit for improving facades in historic districts (CRISS) (REGULAR)
- Com. Sub. for H. B. 2567 - Relating to felony trespassing (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2648 - Authorizing certain agencies and boards of the DHHR to promulgate a legislative rule (CAPITO) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2759 - Relating to updating the health care provider tax (CRISS) (REGULAR)
- Com. Sub. for H. B. 2760 - To allow CPR fire fighters to drive ambulances when both attendants are needed to administer patient care (PHILLIPS) (REGULAR)
- Com. Sub. for H. B. 3006 - West Virginia Critical Infrastructure Protection Act (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3013 - Relating to authorizing the Jefferson County Commission to levy a special district excise tax (CRISS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 3059 - Give PSC authority to fine Class I railroads for safety and operational violations (LINVILLE) (REGULAR)
- Com. Sub. for H. B. 3114 - Deny severance pay to employees of DOT for failure or refusal of drug testing (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3214 - To create the Road Optimization & Assessment Data (ROAD) Pilot Project (LINVILLE) (REGULAR)
- Com. Sub. for H. B. 3274 - Creating the Affordable Medicaid Buy-in Program (SUMMERS) (REGULAR)
- Com. Sub. for H. B. 3341 - To allow cigar bars (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3398 - Relating to the establishment of the West Virginia Memorial to Fallen Heroes of the Global War on Terrorism (PHILLIPS) (REGULAR)

- Com. Sub. for H. B. 3409 - Relating to authorizing application of the manufacturing investment tax credit and the manufacturing property tax adjustment credit against personal income tax (CRISS) (REGULAR)
- H. B. 3444 - Relating to the creation of the West Virginia Semiquincentennial Commission and Fund (HOWELL) (REGULAR)
- Com. Sub. for H. B. 3445 - Relating generally to probation and parole (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3450 - Relating generally to racetrack video lottery and the Licensed Racetrack Modernization Fund (CRISS) (REGULAR)
- H. B. 3459 - To allow for a best value procurement evaluation for prequalified bidders (PHILLIPS) (REGULAR)
- H. B. 3473 - Creating a workgroup relating to Dig Once Policy (LINVILLE) (JULY 1, 2023)
- Com. Sub. for H. B. 3479 - Creating requirements for use of unmanned aircraft (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3482 - To create the Coal Fired Grid Stabilization and Security Act of 2023 (HOWELL) (REGULAR)
- Com. Sub. for H. B. 3484 - Relating to SNAP benefits (PHILLIPS) (REGULAR)
- H. B. 3487 - Relating to cost-sharing calculations for certain Health Savings Account-qualified High Deductible Health Plans (SUMMERS) (REGULAR)
- H. B. 3493 - Relating to prohibiting certain foreign ownership of agricultural land (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3551 - Provide for criminal history record restrictions for certain persons (CAPITO) (REGULAR)
- H. B. 3552 - Relating to per diem jail costs (KELLY) (REGULAR)
- H. B. 3554 - Relating to prohibiting a municipality or the governing body of any municipality from limiting rental of a property (HOWELL) (REGULAR)
- H. B. 3556 - Uniform Recognition and Enforcement of Canadian Domestic Violence Protective Orders Act (CAPITO) (REGULAR)

#### **FIRST READING**

- Com. Sub. for S. B. 51 - Requiring impact statement in certain instances of school closing or consolidation (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2026 - Authorizing municipalities with police or firefighter employees in PERS to elect to become participating employer in Municipal Police Officer and Firefighter Retirement System for a limited time (CRISS) (REGULAR)



- Com. Sub. for H. B. 2305 - Relating to titling and registration of foreign market vehicles (PHILLIPS) (REGULAR)
- Com. Sub. for H. B. 2860 - To dispose of old AFFF foam accumulated by fire departments (PHILLIPS) (REGULAR)
- Com. Sub. for H. B. 3042 - Relating to forbidding excessive government limitations on exercise of religion (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3095 - Creating a Department of Economic Development grant program relating to agricultural vocational and technical training facilities at West Virginia schools (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 3211 - Relating to authorizing service credit for unused accrued annual or sick leave days for use in determining retirement benefits in the Municipal Police Officer and Firefighter Retirement System (CRISS) (REGULAR)
- Com. Sub. for H. B. 3232 - Regulation of Fantasy Gaming Competitions and Implementation of Sports Wagering (CAPITO) (REGULAR)
- H. B. 3244 - Relating to Municipal Pensions Oversight Board proposing legislative rules (CRISS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 3254 - Establishing a State Military Funeral Honor Guard in honor of Hershel "Woody" Williams, known as the Hershel "Woody" Williams State Military Funeral Honor Guard (CRISS) (REGULAR)
- Com. Sub. for H. B. 3271 - Relating to increasing monitoring of special education classrooms (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3280 - Authorizing adjustment from federal adjusted gross income for certain law enforcement pension benefit payments (CRISS) (REGULAR)
- H. B. 3299 - Relating to Natural Resource Police Officer Retirement (CRISS) (REGULAR) [FINANCE COMMITTEE TITLE AMENDMENT PENDING]
- Com. Sub. for H. B. 3363 - Law Enforcement Officers Safety Act (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3364 - Requiring the closure of certain municipal policemen's and firemen's pension and relief funds as condition of issuance of pension funding revenue bonds (CRISS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 3421 - Recodifying the code to eliminate conflicts (CAPITO) (REGULAR)
- H. B. 3432 - Relating to statutory construction (CAPITO) (REGULAR)
- H. B. 3519 - Making a supplementary appropriation to the Department of Transportation, Division of Motor Vehicles (CRISS) (EFFECTIVE FROM PASSAGE)

- H. B. 3520 - Making a supplementary appropriation to the Department of Education, State Board of Education – Vocational Division (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3521 - Making a supplementary appropriation to the Division of Health – Maternal and Child Health (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3522 - Making a supplementary appropriation to the Department of Commerce, Division of Natural Resources – License Fund – Wildlife Resources (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3523 - Making a supplementary appropriation to Miscellaneous Boards and Commissions, Economic Development Authority (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3528 - Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3558 - Relating to providing an exception to the provisions of the Uniform Common Interest Ownership Act (UCOIA) (HOWELL) (REGULAR)

## HOUSE CALENDAR

Friday, February 24, 2023

45<sup>th</sup> Day

11:00 A. M.

### THIRD READING

- Com. Sub. for H. B. 2075 - To provide a means to classify when medications should be continued or stopped for patients (SUMMERS) (REGULAR)
- Com. Sub. for H. B. 2498 - To require medication-assisted treatment programs to have written policies concerning community relations (SUMMERS) (REGULAR)
- H. B. 2955 - Relating to the establishment and operation of regional water, wastewater and stormwater authorities (PHILLIPS) (REGULAR)
- Com. Sub. for H. B. 3046 - Fast Track for Agriculture Education Endorsement (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 3092 - Relating to in-state food service permit reciprocity (PHILLIPS) (REGULAR)
- H. B. 3166 - To permit a hospital to hold a patient experiencing a psychiatric emergency for up to 72 hours (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3278 - Relating to the practice of optometry (PHILLIPS) (REGULAR)

### SECOND READING

- Com. Sub. for S. B. 188 - Grid Stabilization and Security Act of 2023 (CRISS) (REGULAR)
- 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)
- Com. Sub. for H. B. 2471 - Relating to the suspension of driver's license for unpaid tickets (CAPITO) (REGULAR)
- H. B. 2510 - To establish the Rare Earth Element and Critical Mineral Investment Tax Credit Act (HOWELL) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2900 - Relating to the Deputy Sheriff Retirement System (CRISS) (REGULAR)
- H. B. 3408 - To clean up statutory provisions regarding the Hope Scholarship program to better reflect the intent and operation of the program (ELLINGTON) (REGULAR)

H. B. 3427 - Relating to consumers sales and service tax and use tax exemption for certain goods to be incorporated into a qualified, new or expanded warehouse or distribution facility (CRISS) (REGULAR)

H. B. 3430 - To prohibit the bureau from assessing a fee upon local health departments (SUMMERS) (REGULAR)

#### **FIRST READING**

S. B. 131 - Allowing municipal fire marshals to receive service weapon upon retirement (MALLOW) (REGULAR)

Com. Sub. for S. B. 160 - WV Rail Trails Program (HOWELL) (REGULAR) [ECONOMIC DEVELOPMENT AND TOURISM COMMITTEE AMENDMENT PENDING]

S. B. 246 - Revising membership of Broadband Enhancement Council (LINVILLE) (REGULAR)

Com. Sub. for S. B. 463 - Increasing validity of CDL instruction permit (LINVILLE) (REGULAR)

Com. Sub. for H. B. 2189 - To create the "Protection of Property from Warrantless Searches Act." (CAPITO) (REGULAR)

Com. Sub. for H. B. 2862 - Relating generally to requirements for shareholder voting by the West Virginia Investment Management Board and the Board of Treasury Investments (CAPITO) (REGULAR)

H. B. 2906 - Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits (CRISS) (EFFECTIVE FROM PASSAGE)

Com. Sub. for H. B. 2910 - Making a supplementary appropriation to the Department of Administration, Public Defender Services (CRISS) (EFFECTIVE FROM PASSAGE)

H. B. 2915 - Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund (CRISS) (EFFECTIVE FROM PASSAGE)

H. B. 3072 - Supplementing and amending appropriations to Department of Homeland Security, Division of Administrative Services (CRISS) (EFFECTIVE FROM PASSAGE)

H. B. 3396 - Supplementing, amending, and increasing existing items of appropriation from the State Road Fund to the Department of Transportation, Division of Highways (CRISS) (EFFECTIVE FROM PASSAGE)

- H. B. 3509 - Making a supplementary appropriation to Miscellaneous Boards and Commissions, Public Service Commission – Consumer Advocate Fund (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3511 - Making a supplementary appropriation to the Department of Education, State Board of Education – School Lunch Program (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3512 - Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3513 - Making a supplementary appropriation to the Department of Homeland Security, Division of Corrections and Rehabilitation – Regional Jail and Correctional Facility Authority (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3514 - Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3515 - Making a supplementary appropriation to the Department of Veterans’ Assistance, Veterans’ Facilities Support Fund (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3516 - Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – West Virginia Safe Drinking Water Treatment (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3517 - Making a supplementary appropriation to the Division of Human Services – Child Care and Development (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3518 - Making a supplementary appropriation to the Department of Agriculture (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3524 - Making a supplementary appropriation to the Department of Agriculture – West Virginia Spay Neuter Assistance Fund (CRISS) (EFFECTIVE FROM PASSAGE)



**WEST VIRGINIA  
HOUSE OF DELEGATES**

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**FRIDAY, FEBRUARY 24, 2023**

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

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**COMMITTEE ON THE JUDICIARY  
9:00 A.M. – ROOM 410-M**

**COMMITTEE ON FINANCE  
9:00 A.M. – ROOM 460-M**

**COMMITTEE ON RULES  
10:45 A.M. – BEHIND CHAMBER**

**PUBLIC HEARING  
COMMITTEE ON THE JUDICIARY  
4:00 P.M. – HOUSE CHAMBER**

**H. B. 3042**, RELATING TO FORBIDDING EXCESSIVE GOVERNMENT LIMITATIONS ON EXERCISE OF RELIGION.

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**MONDAY, FEBRUARY 27, 2023**

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**PUBLIC HEARING  
COMMITTEE ON ENERGY AND MANUFACTURING  
9:00 A.M. – HOUSE CHAMBER**

**H. B. 3446**, CLARIFYING THE POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION AS TO ELECTRIC GENERATING FACILITIES.

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**TUESDAY, FEBRUARY 28, 2023**

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**PUBLIC HEARING  
VETERANS' AFFAIRS AND HOMELAND SECURITY  
9:00 A.M. – HOUSE CHAMBER**

**H. B. 3157**, RELATING TO CLARIFYING THE DUTIES, FUNCTIONS, PROHIBITIONS AND RESTRICTIONS APPLICABLE TO THE WEST VIRGINIA FUSION CENTER.

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