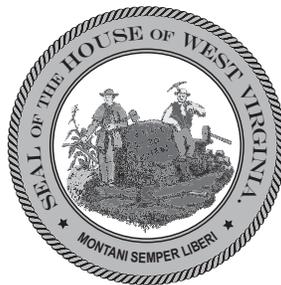


West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Sixth Legislature
First Regular Session

Held at Charleston
Published by the Clerk of the House



February 25, 2023
FORTY-SIXTH DAY

Saturday, February 25, 2023

FORTY-SIXTH DAY

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

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

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

The Clerk proceeded to read the Journal of Friday, February 24, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Householder announced that H. B. 3459, on Third Reading, Special Calendar; H. B. 3558, on Second Reading, Special Calendar; and Com. Sub. for S. B. 205, Com. Sub. for H. B. 439, S. B. 591 and H. B. 2878, on First Reading, Special Calendar, had been transferred to the House Calendar; and Com. Sub. for H. B. 2900, on Second Reading, House Calendar, H. B. 2906, Com. Sub. for H. B. 2910, H. B. 2915, H. B. 3072, H. B. 3396 and H. B. 3509 on First Reading, House Calendar, had been transferred to the Special Calendar.

Committee Reports

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. 2939, Relating to filing of lien by municipalities for collection of refuse fees,

And,

H. B. 3500, Allowing consumer lenders to permit employees to conduct certain business at locations other than the licensee's designated office,

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. 3313, Restraining county commissions from imposing rules and regulations on farmers beyond what is already prescribed through state statute,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3313 - “A Bill to amend and reenact §7-1-3ff and §7-1-3kk of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §7-1-3zz; to amend and reenact §7-1-14 of said code; and to amend and reenact §19-19-2 of said code, all relating generally to clarifying the limit of authority of county commissions as it relates to regulation of agricultural production operations,”

H. B. 3354, To authorize municipalities to combine operations with other municipalities and counties to provide governmental services,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3354 - “A Bill to amend and reenact §8-12-5 of the Code of West Virginia, 1931, as amended, relating to allowing municipalities to combine operations with other municipalities and counties to provide governmental services; removing the regulation of keeping gunpowder and other combustibles; and clarifying that a firearm violation is a violation of only state law,”

And,

H. B. 3405, Change the maximum time period of a protective order to one year,

And reports back a committee substitute therefor, as follows:

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

With the recommendation that the committee substitutes each do pass.

Messages from the Executive and Other Communications

Communications from His Excellency, the Governor, advised that on February 24, 2023, he approved **H. B. 2800**, **H. B. 2882**, **Com. Sub. for H. B. 3061**, **Com. Sub. for S. B. 239** and **S. B. 275**.

Special Calendar

Third Reading

Com. Sub. for H. B. 2016, Relating to confidential childcare records; 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. 253**), and there were—yeas 91, nays none, absent and not voting 9, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Horst, Hott, Longanacre, E. Pritt, Skaff, Smith, Westfall and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2016) 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. 2064, To create commercial opportunity zones to attract new businesses to 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. 254**), and there were—yeas 75, nays 17, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Coop-Gonzalez, Dean, Dillon, Fast, Gearheart, A. Hall, Hansen, Kimble, Kirby, Kump, Longanacre, Martin, McGeehan, C. Pritt, Ridenour, Steele and Vance.

Absent and Not Voting: Bridges, Horst, Hott, E. Pritt, Skaff, Smith, Westfall and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2064) passed.

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

On this question, the yeas and nays were taken (**Roll No. 255**), and there were—yeas 82, nays 9, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Dean, Dillon, Fast, A. Hall, Kimble, Kump, Longanacre, C. Pritt and Vance.

Absent and Not Voting: Bridges, Horst, Hott, E. Pritt, Skaff, Smith, Steele, Westfall 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. 2064) takes effect July 1, 2023.

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

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

Speaker Pro Tempore Espinosa in the Chair

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 256**), and there were—yeas 72, nays 19, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Anderson, Barnhart, Butler, Cooper, Criss, Dean, Dillon, Fehrenbacher, Foggin, Heckert, Honaker, Kimble, Kirby, C. Pritt, Sheedy, Steele, Street, Thorne and Vance.

Absent and Not Voting: Bridges, Horst, Hott, E. Pritt, Skaff, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 2065) passed.

Delegate Kimble that the bill take effect July 1, 2023.

On this question, the yeas and nays were taken (**Roll No. 257**), and there were—yeas 83, nays 7, absent and not voting 10, with the nays and the absent and not voting being as follows:

Nays: Butler, Cooper, Dillon, Kimble, C. Pritt, Steele and Vance.

Absent and Not Voting: Bridges, Horst, Hott, Jennings, E. Pritt, Skaff, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 2065) takes effect July 1, 2023.

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

Com. Sub. for H. B. 2483, Creating a tax credit for improving facades in historic districts; 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. 258**), and there were—yeas 82, nays 9, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Butler, Dillon, Foster, A. Hall, Holstein, Longanacre, Thorne, Vance and Ward.

Absent and Not Voting: Bridges, Horst, Hott, E. Pritt, Skaff, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 2483) 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. 2567, Relating to felony trespassing; 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. 259**), and there were—yeas 82, nays 9, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Pushkin, Rowe, Walker and Young.

Absent and Not Voting: Bridges, Horst, Hott, E. Pritt, Skaff, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 2567) 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. 2648, Authorizing certain agencies and boards of the DHHR to promulgate a legislative rule; 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. 260**), and there were—yeas 90, nays none, absent and not voting 10, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Horst, Hott, E. Pritt, Skaff, Smith, Street, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 2648) passed.

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

On this question, the yeas and nays were taken (**Roll No. 261**), and there were—yeas 90, nays none, absent and not voting 10, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Horst, Hott, E. Pritt, Skaff, Smith, Street, Westfall, Williams and Hanshaw (Mr. Speaker).

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 2648) 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. 2759, Relating to updating the health care provider 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. 262**), and there were—yeas 79, nays 12, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Chiarelli, Dillon, Foster, A. Hall, Kump, Linville, Longanacre, C. Pritt, Ridenour, Steele and Vance.

Absent and Not Voting: Bridges, Horst, Hott, E. Pritt, Skaff, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 2759) 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. 2760, To allow CPR fire fighters to drive ambulances when both attendants are needed to administer patient care; 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. 263**), and there were—yeas 91, nays none, absent and not voting 9, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Horst, Hott, Pinson, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 2760) 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. 3006, West Virginia Critical Infrastructure Protection Act; on third reading, coming up in regular order, with amendment pending, was reported by the Clerk.

The amendment offered by Delegate Worrell was reported by the Clerk.

Delegate Kimble subsequently asked and obtained unanimous consent to move the bill to the foot of bills on third reading.

Com. Sub. for H. B. 3013, Relating to authorizing the Jefferson County Commission to levy a special district 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. 264**), and there were—yeas 67, nays 22, absent and not voting 11, with the nays and the absent and not voting being as follows:

Nays: Brooks, Butler, Cannon, Chiarelli, Coop-Gonzalez, Dillon, Fast, Foster, Hanna, Holstein, Keaton, Kimble, Kump, Linville, Longanacre, Martin, Pinson, Ross, Steele, Street, Vance and Ward.

Absent and Not Voting: Bridges, Dittman, Horst, Hott, C. Pritt, E. Pritt, Smith, Storch, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 3013) passed.

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

On this question, the yeas and nays were taken (**Roll No. 265**), and there were—yeas 74, nays 16, absent and not voting 10, with the nays and the absent and not voting being as follows:

Nays: Brooks, Burkhammer, Butler, Coop-Gonzalez, Dillon, Fast, Kimble, Kump, Linville, Longanacre, Martin, Pinson, C. Pritt, Steele, Vance and Ward.

Absent and Not Voting: Bridges, Foster, Horst, Hott, E. Pritt, Smith, Storch, Westfall, Williams and Hanshaw (Mr. Speaker).

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 3013) 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. 3059, Give PSC authority to fine Class I railroads for safety and operational violations; on third reading, coming up in regular order, was read a third time.

Delegate Heckert requested to be excused from voting under the provisions of House Rule 49.

The Speaker Pro Tempore ruled that the Delegate was a member of a class of persons possibly to be affected and directed the Member to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 266**), 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: Crouse, Espinosa and Gearheart.

Absent and Not Voting: Bridges, Horst, Hott, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 3059) passed.

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

Com. Sub. for H. B. 3059 - “A Bill to amend and reenact §31-2A-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §54-1-9 of said Code; and to amend said Code by adding thereto a new article, designated §24-2G-1, §24-2G-2, §24-2G-3, §24-2G-4, §24-2G-5, §24-2G-6, §24-2G-7, §24-2G-8, §24-2G-9, §24-2G-10, §24-2G-11, §24-2G-12, §24-2G-13, §24-2G-14, §24-2G-15, §24-2G-16, §24-2G-17, §24-2G-18, §24-2G-19, and §24-2G-20; and to amend said Code by adding thereto a new section designated as §54-1-9a, all relating to railroads; relating to railroad administration powers of the Public Service Commission; providing a definition; clarifying regulation of service applicable to railroads; providing exceptions; allowing for inquiries into management of railroads and investigation into violations of interstate commerce law; allowing for inquiries into neglect or violations of law; authorizing examinations and production of books and papers; providing for forfeiture for refusal to comply with subpoena; requiring annual statement to commission and identification of officers and directors; providing a prohibition against directing a violation of law; creating a duty to provide adequate service and facilities; directing that charges conform to schedule; requiring maintenance of depots, switches, and sidetracks; recognizing commission's authority over private tracks; prohibiting unlawful preference; prohibiting violations of article; providing rulemaking authority; providing authority to commission to impose civil penalties for violations; requiring railroad companies to provide alternative entry and exit ways in certain circumstances; regulating lines of certain utilities crossing railroads; providing definitions; providing guidance for notice of intent to cross; setting conditions of crossing; providing for one-time standard cumulative crossing fee; delineating flagging expenses; providing guidance for crossing within another public right of way; providing guidance for crossing abandoned track; providing for petition by railroad to circuit court for relief; providing for petition by utility for relief; setting standards for utility crossing of state property that is crossed by a railroad or property managed by the state that is crossed by a railroad; regulating fiber optic broadband lines crossing railroads; providing legislative findings and purpose; providing

definitions; providing guidance for notice of intent to cross; setting conditions of crossing; providing for one-time standard cumulative crossing fee; delineating flagging expenses; providing guidance for crossing within another public right of way; providing guidance for crossing abandoned track; providing for petition by railroad to circuit court for relief; providing for petition by broadband provider for relief; and setting standards for broadband provider crossing of state property that is crossed by a railroad or property managed by the state that is crossed by a railroad.”

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. 3114, Deny severance pay to employees of DOT for failure or refusal of drug testing; 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. 267**), and there were—yeas 90, nays none, absent and not voting 10, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, DeVault, Horst, Hott, McGeehan, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 3114) 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. 3214, To create the Road Optimization & Assessment Data (ROAD) Pilot Project; 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. 268**), and there were—yeas 88, nays 3, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Gearheart, A. Hall and Thorne.

Absent and Not Voting: Bridges, Horst, Hott, Longanacre, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 3214) 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. 3274, Creating the Affordable Medicaid Buy-in Program; 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. 269**), and there were—yeas 73, nays 19, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Butler, Cannon, Coop-Gonzalez, Dillon, Foster, Gearheart, Hardy, Hillenbrand, Householder, Jeffries, Keaton, Kimble, Linville, Martin, C. Pritt, Ridenour, Ross and Thorne.

Absent and Not Voting: Bridges, Horst, Hott, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 3274) 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. 3341, To allow cigar bars; 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. 270**), and there were—yeas 57, nays 33, absent and not voting 10, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Butler, DeVault, Dillon, Dittman, Fast, Ferrell, Griffith, A. Hall, Hansen, Hillenbrand, Holstein, Hornby, Jeffries, Jennings, Kimble, Longanacre, Mallow, Mazzocchi, Pinson, Pushkin, Rohrbach, Ross, Rowe, Sheedy, Statler, Street, Toney, Vance, Walker, Ward, Worrell and Young.

Absent and Not Voting: Bridges, Foggin, Horst, Hott, McGeehan, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 3341) 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. 3398, Relating to the establishment of the West Virginia Memorial to Fallen Heroes of the Global War on Terrorism; 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. 271**), and there were—yeas 91, nays none, absent and not voting 9, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Horst, Hott, Mazzocchi, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 3398) 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. 3409, Relating to authorizing application of the manufacturing investment tax credit and the manufacturing property tax adjustment credit against personal income 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. 272**), and there were—yeas 90, nays none, absent and not voting 10, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Horst, Hott, Miller, Pinson, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 3409) passed.

Delegate Miller, who was absent on Roll No. 272, noted to the Clerk that he would have voted “Yea” thereon.

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

H. B. 3444, Relating to the creation of the West Virginia Semiquincentennial Commission and Fund; 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. 273**), and there were—yeas 83, nays 5, absent and not voting 12, with the nays and the absent and not voting being as follows:

Nays: Coop-Gonzalez, Dillon, Thorne, Vance and Ward.

Absent and Not Voting: Bridges, Burkhammer, Honaker, Horst, Hott, Householder, Pinson, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (H. B. 3444) 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. 3450, Relating generally to racetrack video lottery and the Licensed Racetrack Modernization Fund; 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. 274**), and there were—yeas 59, nays 31, absent and not voting 10, with the nays and the absent and not voting being as follows:

Nays: Barnhart, Brooks, Burkhammer, Butler, Coop-Gonzalez, Dean, Dillon, Fast, Ferrell, Gearheart, A. Hall, Hanna, Hillenbrand, Holstein, Jeffries, Jennings, Keaton, Kimble, Kirby, Kump, Linville, Longanacre, Mallow, Pinson, Ross, Steele, Thorne, Toney, Vance, Ward and Worrell.

Absent and Not Voting: Bridges, Fehrenbacher, Honaker, Horst, Hott, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 3450) passed.

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

Com. Sub. for H. B. 3450 – “A Bill to amend and reenact §29-22A-10 and §29-22A-10b of the Code of West Virginia, 1931, as amended, all relating to racetrack video lottery; providing for certain transfers to and from the Licensed Racetrack Modernization Fund; specifying eligible purposes for recoupment of funds on deposit in facility modernization account within the Licensed Racetrack Modernization Fund; and modifying the distribution of net terminal income to counties where the video lottery terminals are located.”

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

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 275**), and there were—yeas 83, nays 8, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Cooper, Coop-Gonzalez, Gearheart, Longanacre, Steele, Street, Vance and Ward.

Absent and Not Voting: Bridges, Clark, Horst, Hott, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (H. B. 3473) passed.

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

On this question, the yeas and nays were taken (**Roll No. 276**), and there were—yeas 88, nays 4, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Coop-Gonzalez, Gearheart, Vance and Ward.

Absent and Not Voting: Bridges, Horst, Hott, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker Pro Tempore declared the bill (H. B. 3473) takes effect July 1, 2023.

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

Com. Sub. for H. B. 3479, Creating requirements for use of unmanned aerial vehicles; 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. 277**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Horst, Hott, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 3479) passed.

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

H. B. 3479 - "A Bill to amend and reenact §61-16-1 and §61-16-2 of the Code of West Virginia, 1931, as amended, all relating to unmanned aerial vehicles; adding definitions; requiring compliance with all federal laws and regulations relating to such vehicles; and creating criminal offenses and penalties for certain conduct using an unmanned aerial vehicle."

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

H. B. 3493, Relating to prohibiting certain foreign ownership of agricultural land; 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. 278**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Horst, Hott, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (H. B. 3493) 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. 3551, Provide for criminal history record restrictions for certain persons; 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. 279**), and there were—yeas 89, nays 2, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Butler and Gearheart.

Absent and Not Voting: Bridges, Horst, Hott, Longanacre, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 3551) 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. 3552, Relating to per diem jail costs; 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. 280**), and there were—yeas 88, nays 3, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Gearheart, Pushkin and Rowe.

Absent and Not Voting: Bridges, Horst, Hott, Longanacre, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (H. B. 3552) 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. 3556, Uniform Recognition and Enforcement of Canadian Domestic Violence Protective Orders 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. 281**), and there were—yeas 84, nays 8, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Dillon, Foggin, A. Hall, Kirby, McGeehan, Phillips, C. Pritt and Vance.

Absent and Not Voting: Bridges, Horst, Hott, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (H. B. 3556) passed.

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

Having been placed at the foot of third reading in earlier proceedings, the House returned to consideration of **Com. Sub. for H. B. 3006**, West Virginia Critical Infrastructure Protection Act.

At 12:05 p.m., on motion of Delegate Householder, the House of Delegates recessed until 12:30 p.m.

* * * * *

Afternoon Session

* * * * *

The House of Delegates was called to order by the Honorable Paul Espinosa, Speaker Pro Tempore.

The House resumed consideration of **Com. Sub. for H. B. 3006**, West Virginia Critical Infrastructure Protection Act.

Whereupon,

Delegate Worrell asked and obtained unanimous consent that his amendment be withdrawn.

Delegate Fast asked unanimous consent to amend the bill on third reading, which consent was not given, objection being heard.

Delegate Fast then so moved.

On this motion, the yeas and nays were taken (**Roll No. 282**), and there were—yeas 81, nays 8, absent and not voting 11, with the nays and the absent and not voting being as follows:

Nays: Brooks, Burkhammer, Butler, Hanna, Hardy, Longanacre, Martin and Steele.

Absent and Not Voting: Bridges, Foggin, Horst, Hott, Lucas, C. Pritt, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, two thirds of the members present having voted in the affirmative, the motion was adopted.

An amendment sponsored by Delegate Capito was then reported by the Clerk on page 1 by striking everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 10. CRIMES AGAINST PUBLIC POLICY.

§61-10-34. Critical Infrastructure Protection Act; prohibiting certain acts, including trespass and conspiracy to trespass against property designated a critical Infrastructure facility; criminal penalties; and civil action.

(a) This section may be referred to as the 'West Virginia Critical Infrastructure Protection Act'.

(b) For purposes of this section:

'Critical Infrastructure' means systems and assets, whether physical or virtual, so vital to the United States of America or the State of West Virginia that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, state economic security, national public health or safety, state public health or safety, or any combination of those matters, whether such systems or assets are in operation or are under any state of construction.

'Critical infrastructure facility' means one of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs that are posted on the property that are reasonably likely to come to the attention of intruders and indicate that entry is forbidden without site authorization:

(1) A petroleum or alumina refinery;

(2) An electrical power generating facility, substation, switching station, electrical control center or electric power lines and associated equipment infrastructure;

- (3) A chemical, polymer or rubber manufacturing facility;
 - (4) A water intake structure, water treatment facility, wastewater treatment plant or pump station;
 - (5) A natural gas compressor station;
 - (6) A liquid natural gas terminal or storage facility;
 - (7) Wireline and wireless telecommunications infrastructure;
 - (8) A port, railroad switching yard, trucking terminal, or other freight transportation facility;
 - (9) A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas or natural gas liquids;
 - (10) A transmission facility used by a federally licensed radio or television station;
 - (11) A steelmaking facility that uses an electric arc furnace to make steel;
 - (12) A facility identified and regulated by the United States Department of Homeland Security Chemical Facility Anti-Terrorism Standards (CFATS) program;
 - (13) A dam that is regulated by the state or federal government;
 - (14) A natural gas distribution utility facility including, but not limited to, pipeline interconnections, a city gate or town border station, metering station, below- or above-ground pipeline or piping and truck loading or offloading facility, a natural gas storage facility, a natural gas transmission facility, or a natural gas utility distribution facility;
 - (15) A crude oil or refined products storage and distribution facility including, but not limited to, valve sites, pipeline interconnections, pump station, metering station, below- or above-ground pipeline or piping, and truck loading or offloading facility;
 - (16) Military facilities, including national guard facilities and equipment storage areas where non-military personnel are prohibited;
 - (17) Department of Highways facilities and locations near or on roads or highways where the public is prohibited;
 - (18) Health care facilities;
 - (19) Any above-ground portion of an oil, gas, hazardous liquid or chemical pipeline, tank, or other storage facility that is enclosed by a fence, other physical barrier or is clearly marked with signs prohibiting trespassing, that are obviously designed to exclude intruders; or
 - (20) A commercial service airport as defined by the Federal Aviation Administration.
- (c)(1) Any person who willfully and knowingly trespasses or enters property containing a critical infrastructure facility without permission by the owner of the property or lawful occupant thereof is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$250 nor more than \$1,000, or confined in jail not less than 30 days nor more than one

year, or both fined and confined. If the intent of the trespasser is to willfully damage, destroy, vandalize, deface, tamper with equipment, or impede or inhibit operations of the critical infrastructure facility, the person is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000, or confined in a jail for not more than one year, or both fined and confined.

(2) (A) Any person who willfully damages, destroys, vandalizes, defaces, steals or tampers with equipment or assets in a critical infrastructure facility causing damage in excess of \$2,500 is guilty of a felony and, upon conviction thereof, shall be fined not less than ~~\$1,000~~ \$5,000 nor more than ~~\$5,000~~ \$10,000, or imprisoned in a state correctional facility for a term of not less than one year nor more than five years, or both fined and imprisoned.

(B) Any person convicted of a second offense under the provisions of this subdivision is guilty of a felony and, upon conviction thereof, shall be fined not less than \$25,000 nor more than \$50,000, or imprisoned in a state correctional facility for a term of not less than three years nor more than ten years, or both fined and imprisoned.

(3) Any person who conspires with any person to commit the offense of trespass against a critical infrastructure facility in violation of subdivision (1) of subsection (c) of this section and the trespass actually occurs is guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount of not less than \$2,500 nor more than \$10,000. Any person who conspires with any person to willfully damage, destroy, vandalize, deface, or tamper with equipment in a critical infrastructure facility and the damage, destruction, vandalization, defacing or tampering causes damage in excess of \$2,500 is guilty of a felony and, shall, upon conviction thereof, be fined not less than \$5,000 nor more than \$20,000.

(d)(1) Any person who is arrested for or convicted of an offense under this section may be held civilly liable for any damages to personal or real property while trespassing, in addition to the penalties imposed by this section.

(2) Any person or entity that compensates, provides consideration to, or remunerates a person for trespassing as described in subdivision (1) of subsection (c) of this section may also be held liable for damages to personal or real property committed by the person compensated or remunerated for trespassing.

(e) The provisions of this section do not apply to:

(1) (i) Any person or organization monitoring or attentive to compliance with public or worker safety laws, or, wage and hour requirements;

~~(ii) Picketing at the workplace that is otherwise lawful and arises out of a bona fide labor dispute, including any controversy concerning wages, salaries, hours, working conditions, or benefits, including health and welfare, sick leave, insurance, and pension or retirement provisions, the managing or maintenance of collective bargaining agreements, and the terms to be included in those agreements;~~

~~(iii) Engaging in union organizing or recruitment activities, including attempting to reach workers verbally, in writing with pamphlets and investigation of non-union working conditions, or both.~~

(2) The right to free speech or assembly, including, but not limited to, protesting and picketing.

(3) A contractor who has a contractual relationship with a critical infrastructure facility and the contractor's employees are acting within their scope of employment performing work at a critical infrastructure facility.

(f)(1) (A) All items of personal property which are used, have been used, or are intended for use, used in perpetration of theft or damage to infrastructure shall be subject to forfeiture; (B) This includes all conveyances, including aircraft, vehicles or vessels, except that:

(i) A conveyance used by any person as a common carrier in the transaction of business as a common carrier may not be forfeited under this section unless it appears that the person owning the conveyance is a consenting party or privy to a violation of this section:

(ii) A conveyance may not be forfeited under the provisions of this article if the person owning the conveyance establishes that he or she neither knew, nor had reason to know, that the conveyance was being employed or was likely to be employed in a violation of this section: and:

(iii) A bona fide security interest or other valid lien in any conveyance may not be forfeited under the provisions of this article, unless the state proves by a preponderance of the evidence that the holder of the security interest or lien either knew, or had reason to know, that the conveyance was being used or was likely to be used in a violation of this chapter:

(2) All procedures relating to the seizure and disposition of property subject to forfeiture under the authority of this section shall be governed by the applicable provisions of the West Virginia Contraband Forfeiture Act, §60A-7-701, et. seq. of this code."

Delegate Worrell moved to amend the amendment on page 4, section 34, line 81, by striking the language contained in lines 81 and 82 and inserting the following language and renumbering thereafter.

"(1) Any person or organization:

(i) Monitoring or attentive to compliance with public or worker safety laws, or, wage and hour requirements;

(ii) Picketing at the workplace that is otherwise lawful and arises out of a bona fide labor dispute, including any controversy concerning wages, salaries, hours, working conditions, or benefits, including health and welfare, sick leave, insurance, and pension or retirement provisions, the managing or maintenance of collective bargaining agreements, and the terms to be included in those agreements;

(iii) Engaging in union organizing or recruitment activities, including attempting to reach workers verbally, in writing with pamphlets and investigation of non-union working conditions, or both."

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

The yeas and nays having been ordered, they were taken (**Roll No. 283**), and there were— yeas 30, nays 60, absent and not voting 10, with the yeas and the absent and not voting being as follows:

Yeas: Adkins, Cooper, Dean, Ferrell, Fluharty, Garcia, Griffith, A. Hall, Hansen, Hornbuckle, Kelly, Kimble, Marple, McGeehan, Miller, Nestor, Pushkin, Reynolds, Rohrbach, Ross, Rowe, Shamblin, Sheedy, Skaff, Storch, Toney, Vance, Walker, Worrell and Young.

Absent and Not Voting: Bridges, Ellington, Horst, Hott, Lucas, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

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

The question being on the adoption of the amendment sponsored by Delegate Capito, the same was put and adopted.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 284**), and there were—yeas 67, nays 23, absent and not voting 10, with the nays and the absent and not voting being as follows:

Nays: Fluharty, Garcia, Griffith, A. Hall, W. Hall, Hansen, Hornbuckle, Kirby, Miller, Pinson, Pushkin, Rohrbach, Rowe, Shamblin, Skaff, Statler, Steele, Storch, Toney, Vance, Walker, Worrell and Young.

Absent and Not Voting: Bridges, Ellington, Horst, Hott, Lucas, E. Pritt, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 3006) passed.

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

Com. Sub. for H. B. 3006 - "A Bill to amend and reenact §61-10-34 of the Code of West Virginia, 1931, as amended, relating to the "West Virginia Critical Infrastructure Protection Act"; providing for the criminal offense of willfully damaging, destroying, vandalizing, defacing, stealing or tampering with equipment or assets in a critical infrastructure facility causing damage in excess of \$2,500; providing felony penalties for same; providing for forfeiture of items of personal property which are used, have been used, or are intended for use, used in perpetration of theft or damage to infrastructure, including all conveyances, including aircraft, vehicles or vessels; and providing that the forfeiture provisions of this bill be governed by the applicable provisions of the West Virginia Contraband Forfeiture Act

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

Second Reading

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

On motion of Delegate Capito, the bill was amended, to change the section heading to read as follows on Page 5:

“CHAPTER 62. CRIMINAL PROCEDURE

ARTICLE 1A. SEARCH AND SEIZURE.

§62-1A-12. Custodial Interrogation of a juvenile; consultation with legal counsel; admissibility of statements.

And,

On page 4, section 701, line 83, by striking out “§61-1A-12” and inserting “§62-1A-12”.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2305, Relating to titling and registration of foreign market vehicles; on second reading, coming up in regular order, was read a second time.

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

“CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION, CERTIFICATE OF TITLE, AND ANTITHEFT PROVISIONS.

ARTICLE 1. WORDS AND PHRASES DEFINED.

§17A-1-1. Definitions.

~~Except as otherwise provided in this chapter, the following words and phrases, when used in this chapter, have the meanings respectively ascribed to them in this article:~~

~~(a) 'Vehicle' means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.~~

~~(b) 'Motor vehicle' means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.~~

~~(c) 'Motorcycle' means every motor vehicle, including motor driven cycles and mopeds as defined in §17C-1-5 and §17C-1-5a of this code, having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor, and an electric bicycle as defined in §17C-1-70 of this code.~~

~~(d) 'School bus' means every motor vehicle owned by a public governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.~~

~~(e) 'Bus' means every motor vehicle designed to carry more than seven passengers and used to transport persons; and every motor vehicle, other than a taxicab, designed and used to transport persons for compensation.~~

~~(f) 'Truck tractor' means every motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and drawn load.~~

~~(g) 'Farm tractor' means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.~~

~~(h) 'Road tractor' means every motor vehicle designed, used, or maintained for drawing other vehicles and not constructed to carry any load thereon either independently or any part of the weight of a vehicle or drawn load.~~

~~(i) 'Truck' means every motor vehicle designed, used, or maintained primarily for the transportation of property.~~

~~(j) 'Trailer' means every vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle but excluding recreational vehicles.~~

~~(k) 'Semitrailer' means every vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.~~

~~(l) 'Pole trailer' means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.~~

~~(m) 'Specially constructed vehicles' means every vehicle of a type required to be registered hereunder not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.~~

~~(n) 'Reconstructed vehicle' means every vehicle of a type required to be registered hereunder materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used.~~

~~(o) 'Essential parts' means all integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation.~~

~~(p) 'Foreign vehicle' means every vehicle of a type required to be registered hereunder brought into this state from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this state.~~

~~(q) 'Implement of husbandry' means every vehicle which is designed for or adapted to agricultural purposes and used by the owner thereof primarily in the conduct of his or her~~

agricultural operations, including, but not limited to, trucks used for spraying trees and plants: *Provided*, That the vehicle may not be let for hire at any time.

(f) ~~'Special mobile equipment' means every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including, without limitation, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, graders, rollers, well drillers, wood-sawing equipment, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, rock drilling equipment, and earth-moving equipment. The foregoing enumeration in this subdivision is partial and may not operate to exclude other vehicles which are within the general terms of this subdivision.~~

(s) ~~'Pneumatic tire' means every tire in which compressed air is designed to support the load.~~

(t) ~~'Solid tire' means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.~~

(u) ~~'Metal tire' means every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.~~

(v) ~~'Commissioner' means the Commissioner of the Division of Motor Vehicles of this state.~~

(w) ~~'Division' means the Division of Motor Vehicles of this state acting directly or through its duly authorized officers and agents.~~

(x) ~~'Person' means every natural person, firm, copartnership, association, or corporation.~~

(y) ~~'Owner' means a person who holds the legal title to a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be considered the owner for the purpose of this chapter.~~

(z) ~~'Nonresident' means every person who is not a resident of this state.~~

(aa) ~~'Dealer' or 'dealers' is a general term meaning, depending upon the context in which used, either a new motor vehicle dealer, used motor vehicle dealer, factory built home dealer, recreational vehicle dealer, trailer dealer or motorcycle dealer, as defined in §17C-1-6 of this code, or all of the dealers or a combination thereof and, in some instances, a new motor vehicle dealer or dealers in another state.~~

(bb) ~~'Registered dealer' or 'registered dealers' is a general term meaning, depending upon the context in which used, either a new motor vehicle dealer, used motor vehicle dealer, house trailer dealer, trailer dealer, recreational vehicle dealer, or motorcycle dealer, or all of the dealers or a combination thereof, licensed under the provisions of §17A-6-1 *et seq.* of this code.~~

(cc) ~~'Licensed dealer' or 'licensed dealers' is a general term meaning, depending upon the context in which used, either a new motor vehicle dealer, used motor vehicle dealer, house trailer~~

~~dealer, trailer dealer, recreational vehicle dealer, or motorcycle dealer, or all of the dealers or a combination thereof, licensed under the provisions of §17A 6-1 et seq. of this code.~~

~~(dd) 'Transporter' means every person engaged in the business of delivering vehicles of a type required to be registered hereunder from a manufacturing, assembling, or distributing plant to dealers or sales agents of a manufacturer.~~

~~(ee) 'Manufacturer' means every person engaged in the business of constructing or assembling vehicles of a type required to be registered hereunder at a place of business in this state which is actually occupied either continuously or at regular periods by the manufacturer where his or her books and records are kept and a large share of his or her business is transacted.~~

~~(ff) 'Street' or 'highway' means the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.~~

~~(gg) 'Motorboat' means any vessel propelled by an electrical, steam, gas, diesel, or other fuel-propelled or driven motor, whether or not the motor is the principal source of propulsion, but may not include a vessel which has a valid marine document issued by the bureau of customs of the United States government or any federal agency successor thereto.~~

~~(hh) 'Motorboat trailer' means every vehicle designed for or ordinarily used for the transportation of a motorboat.~~

~~(ii) 'All-terrain vehicle' (ATV) means any motor vehicle designed for off-highway use and designed to travel on not less than three low-pressure or nonhighway tires, is 50 inches or less in width and intended by the manufacturer to be used by a single operator or is specifically designed by the manufacturer with seating for each passenger. 'All-terrain vehicle' and 'ATV' does not include mini trucks, golf carts, riding lawnmowers, electric bicycles as defined in §17C 1-70 of this code, or tractors.~~

~~(jj) 'Travel trailer' means every vehicle, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use of such size or weight as not to require special highway movement permits when towed by a motor vehicle and of gross trailer area less than 400 square feet.~~

~~(kk) 'Fold-down camping trailer' means every vehicle consisting of a portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the camp site to provide temporary living quarters for recreational, camping, or travel use.~~

~~(ll) 'Motor home' means every vehicle, designed to provide temporary living quarters, built into an integral part of or permanently attached to a self-propelled motor vehicle, chassis or van including: (1) Type A motor home built on an incomplete truck chassis with the truck cab constructed by the second stage manufacturer; (2) Type B motor home consisting of a van-type vehicle which has been altered to provide temporary living quarters; and (3) Type C motor home built on an incomplete van or truck chassis with a cab constructed by the chassis manufacturer.~~

~~(mm) 'Snowmobile' means a self-propelled vehicle intended for travel primarily on snow and driven by a track or tracks in contact with the snow and steered by a ski or skis in contact with the snow.~~

~~(nn) 'Recreational vehicle' means a motorboat, motorboat trailer, all terrain vehicle, travel trailer, fold-down camping trailer, motor home, or snowmobile.~~

~~(oo) 'Mobile equipment' means every self-propelled vehicle not designed or used primarily for the transportation of persons or property over the highway but which may infrequently or incidentally travel over the highways among job sites, equipment storage sites, or repair sites, including farm equipment, implements of husbandry, well drillers, cranes, and wood-sawing equipment.~~

~~(pp) 'Factory-built home' includes mobile homes, house trailers, and manufactured homes.~~

~~(qq) 'Manufactured home' has the same meaning as the term is defined in §21-2-9 of this code which meets the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U. S. C. §5401, *et seq.*), effective on June 15, 1976, and the federal manufactured home construction and safety standards and regulations promulgated by the Secretary of the United States Department of Housing and Urban Development.~~

~~(rr) 'Mobile home' means a transportable structure that is wholly, or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and designed for long-term residential use and built prior to enactment of the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U. S. C. §5401, *et seq.*), effective on June 15, 1976, and usually built to the voluntary industry standard of the American National Standards Institute (ANSI) — A119.1 standards for mobile homes.~~

~~(ss) 'House trailers' means all trailers designed and used for human occupancy on a continual nonrecreational basis but may not include fold-down camping and travel trailers, mobile homes, or manufactured homes.~~

~~(tt) 'Parking enforcement vehicle' means a motor vehicle which does not fit into any other classification of vehicle in this chapter, has three or four wheels, and is designed for use in an incorporated municipality by a city, county, state, or other governmental entity primarily for parking enforcement or other governmental purposes with an operator area with sides permanently enclosed with rigid construction and a top which may be convertible, sealed beam headlights, turn signals, brake lights, horn, at least one rearview mirror on each side, and such other equipment that will enable it to pass a standard motorcycle vehicle inspection.~~

~~(uu) 'Low-speed vehicle' means a four-wheeled motor vehicle whose attainable speed in one mile on a paved level surface is more than 20 miles per hour but not more than 25 miles per hour.~~

~~(vv) 'Utility terrain vehicle' means any motor vehicle with four or more low-pressure or nonhighway tires designed for off-highway use and is greater than 50 inches in width. 'Utility terrain vehicle' does not include mini trucks, golf carts, riding lawnmowers, or tractors.~~

Except as otherwise provided in this chapter, the following words and phrases, when used in this chapter, have the meanings respectively ascribed to them in this article:

'All-terrain vehicle' (ATV) means any motor vehicle designed for off-highway use and designed to travel on not less than three low-pressure or nonhighway tires, is 50 inches or less in width and intended by the manufacturer to be used by a single operator or is specifically designed by the manufacturer with seating for each passenger. 'All-terrain vehicle' and 'ATV' does not include mini

trucks, golf carts, riding lawnmowers, electric bicycles as defined in §17C-1-70 of this code, or tractors.

'Bus' means every motor vehicle designed to carry more than seven passengers and used to transport persons; and every motor vehicle, other than a taxicab, designed and used to transport persons for compensation.

'Commissioner' means the Commissioner of the Division of Motor Vehicles of this state.

'Dealer' or 'dealers' is a general term meaning, depending upon the context in which used, either a new motor vehicle dealer, used motor vehicle dealer, factory-built home dealer, recreational vehicle dealer, trailer dealer or motorcycle dealer, as defined in §17C-1-6 of this code, or all of the dealers or a combination thereof and, in some instances, a new motor vehicle dealer or dealers in another state.

'Division' means the Division of Motor Vehicles of this state acting directly or through its duly authorized officers and agents.

'Essential parts' means all integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation.

'Factory-built home' includes mobile homes, house trailers, and manufactured homes.

'Farm tractor' means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

'Fold-down camping trailer' means every vehicle consisting of a portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the camp site to provide temporary living quarters for recreational, camping, or travel use.

'Foreign market vehicle' means any motor vehicle originally manufactured outside the United States, which was not manufactured in accordance with 49 U.S.C. § 30101 *et seq.* and the policies and regulations adopted pursuant to that Act, and for which a West Virginia title or registration is sought.

'Foreign vehicle' means every vehicle of a type required to be registered hereunder brought into this state from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this state.

'House trailers' means all trailers designed and used for human occupancy on a continual nonrecreational basis but may not include fold-down camping and travel trailers, mobile homes, or manufactured homes.

'Implement of husbandry' means every vehicle which is designed for or adapted to agricultural purposes and used by the owner thereof primarily in the conduct of his or her agricultural operations, including, but not limited to, trucks used for spraying trees and plants: *Provided*, That the vehicle may not be let for hire at any time.

'Licensed dealer' or 'licensed dealers' is a general term meaning, depending upon the context in which used, either a new motor vehicle dealer, used motor vehicle dealer, house trailer dealer, trailer dealer, recreational vehicle dealer, or motorcycle dealer, or all of the dealers or a combination thereof, licensed under the provisions of §17A-6-1 et seq. of this code.

'Low-speed vehicle' means a four-wheeled motor vehicle whose attainable speed in one mile on a paved level surface is more than 20 miles per hour but not more than 25 miles per hour.

'Manufactured home' has the same meaning as the term is defined in §21-2-9 of this code which meets the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U. S. C. §5401, et seq.), effective on June 15, 1976, and the federal manufactured home construction and safety standards and regulations promulgated by the Secretary of the United States Department of Housing and Urban Development.

'Manufacturer' means every person engaged in the business of constructing or assembling vehicles of a type required to be registered hereunder at a place of business in this state which is actually occupied either continuously or at regular periods by the manufacturer where his or her books and records are kept and a large share of his or her business is transacted.

'Metal tire' means every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

'Mobile equipment' means every self-propelled vehicle not designed or used primarily for the transportation of persons or property over the highway but which may infrequently or incidentally travel over the highways among job sites, equipment storage sites, or repair sites, including farm equipment, implements of husbandry, well drillers, cranes, and wood-sawing equipment.

'Mobile home' means a transportable structure that is wholly, or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and designed for long-term residential use and built prior to enactment of the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U. S. C. §5401, et seq.), effective on June 15, 1976, and usually built to the voluntary industry standard of the American National Standards Institute (ANSI) — A119.1 standards for mobile homes.

'Motor home' means every vehicle, designed to provide temporary living quarters, built into an integral part of or permanently attached to a self-propelled motor vehicle, chassis or van including: (1) Type A motor home built on an incomplete truck chassis with the truck cab constructed by the second stage manufacturer; (2) Type B motor home consisting of a van-type vehicle which has been altered to provide temporary living quarters; and (3) Type C motor home built on an incomplete van or truck chassis with a cab constructed by the chassis manufacturer.

'Motor vehicle' means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

'Motorboat' means any vessel propelled by an electrical, steam, gas, diesel, or other fuel-propelled or -driven motor, whether or not the motor is the principal source of propulsion, but may not include a vessel which has a valid marine document issued by the bureau of customs of the United States government or any federal agency successor thereto.

'Motorboat trailer' means every vehicle designed for or ordinarily used for the transportation of a motorboat.

'Motorcycle' means every motor vehicle, including motor-driven cycles and mopeds as defined in §17C-1-5 and §17C-1-5a of this code, having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor, and an electric bicycle as defined in §17C-1-70 of this code.

'Nonresident' means every person who is not a resident of this state.

'Owner' means a person who holds the legal title to a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be considered the owner for the purpose of this chapter.

'Parking enforcement vehicle' means a motor vehicle which does not fit into any other classification of vehicle in this chapter, has three or four wheels, and is designed for use in an incorporated municipality by a city, county, state, or other governmental entity primarily for parking enforcement or other governmental purposes with an operator area with sides permanently enclosed with rigid construction and a top which may be convertible, sealed beam headlights, turn signals, brake lights, horn, at least one rearview mirror on each side, and such other equipment that will enable it to pass a standard motorcycle vehicle inspection.

'Person' means every natural person, firm, copartnership, association, or corporation.

'Pneumatic tire' means every tire in which compressed air is designed to support the load.

'Pole trailer' means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

'Reconstructed vehicle' means every vehicle of a type required to be registered hereunder materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used.

'Recreational vehicle' means a motorboat, motorboat trailer, all-terrain vehicle, travel trailer, fold-down camping trailer, motor home, or snowmobile.

'Registered dealer' or 'registered dealers' is a general term meaning, depending upon the context in which used, either a new motor vehicle dealer, used motor vehicle dealer, house trailer dealer, trailer dealer, recreational vehicle dealer, or motorcycle dealer, or all of the dealers or a combination thereof, licensed under the provisions of §17A-6-1 *et seq.* of this code.

'Road tractor' means every motor vehicle designed, used, or maintained for drawing other vehicles and not constructed to carry any load thereon either independently or any part of the weight of a vehicle or drawn load.

'School bus' means every motor vehicle owned by a public governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

'Semitrailer' means every vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.

'Snowmobile' means a self-propelled vehicle intended for travel primarily on snow and driven by a track or tracks in contact with the snow and steered by a ski or skis in contact with the snow.

'Solid tire' means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

'Special mobile equipment' means every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including, without limitation, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, graders, rollers, well drillers, wood-sawing equipment, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, rock-drilling equipment, and earth-moving equipment. The foregoing enumeration in this subdivision is partial and may not operate to exclude other vehicles which are within the general terms of this subdivision.

'Specially constructed vehicles' means every vehicle of a type required to be registered hereunder not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.

'Street' or 'highway' means the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

'Trailer' means every vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle but excluding recreational vehicles.

'Transporter' means every person engaged in the business of delivering vehicles of a type required to be registered hereunder from a manufacturing, assembling, or distributing plant to dealers or sales agents of a manufacturer.

'Travel trailer' means every vehicle, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use of such size or weight as not to require special highway movement permits when towed by a motor vehicle and of gross trailer area less than 400 square feet.

'Truck' means every motor vehicle designed, used, or maintained primarily for the transportation of property.

'Truck tractor' means every motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and drawn load.

'Utility terrain vehicle' means any motor vehicle with four or more low-pressure or nonhighway tires designed for off-highway use and is greater than 50 inches in width. 'Utility terrain vehicle' does not include mini trucks, golf carts, riding lawnmowers, or tractors.

'Vehicle' means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

ARTICLE 3A. VEHICLE COMPLIANCE WITH FEDERAL CLEAN AIR STANDARDS AND VEHICLE SAFETY.

§17A-3A-3. Certificates of title.

(a) Before any imported vehicle which has not previously been titled or registered in the United States may be titled in this state, the applicant must submit: (1) A manufacturer's certificate of origin issued by the actual vehicle manufacturer together with a notarized translation thereof; or (2) the documents constituting valid proof of ownership by an individual owner or exporter and evidencing a change of such ownership to the applicant, together with a notarized translation of any document; or (3) with regard to vehicles imported from countries which cancel the vehicle registration and title for export, the documents assigned to such vehicle after the registration and title have been canceled, together with a notarized translation thereof, and proof satisfactory to the division that the motor vehicle complies with the United States Clean Air Act and the Motor Vehicle Safety Act.

(b) In the event that the documents submitted as required by subsection (a) of this section do not name as owner the current applicant for a certificate of title, the applicant must also submit reliable proof of a chain of title. For those countries which utilize documents of registration rather than a certificate of title, proof of a chain of title for purposes of this subsection shall be accomplished by presenting the change of ownership certificate referred to in subsection (a) of this section.

(c) Any foreign market vehicle manufactured at least 25 years ago shall not be subject to the provisions of this section and may be titled in this state and registered upon application and payment of fees, including an additional \$25 fee.

CHAPTER 17C. TRAFFIC REGULATIONS AND LAWS OF THE ROAD.

ARTICLE 16. INSPECTION OF VEHICLES.

§17C-16-4. Superintendent of the West Virginia State Police to require periodical inspection; acceptance of certificate of inspection from another state; suspension of registration of unsafe vehicles.

(a) The Superintendent of the West Virginia State Police shall once each year require that every motor vehicle, trailer, semitrailer and pole trailer registered in this state be inspected and that an official certificate of inspection and approval be obtained for each vehicle: Provided, That any foreign market vehicle manufactured at least 25 years ago and that is titled in this state pursuant to §17A-3A-3(c) of this code shall not be subject to the safety inspections required by this section.

The inspections shall be made and the certificates obtained with respect to the mechanism, brakes and equipment of every vehicle designated by the Superintendent.

The Superintendent may make necessary rules for the administration and enforcement of this section and may designate any period or periods during which owners of any vehicles, subject to this section, shall display upon the vehicles certificates of inspection and approval or shall produce the certificates upon demand of any officer or employee of the State Police designated by the Superintendent or any police or peace officer when authorized by the Superintendent.

(b) The superintendent may authorize the acceptance in this state of a certificate of inspection and approval issued in another state having an inspection law similar to this chapter and may extend the time within which the resident owner of a vehicle which was not in this state during the time an inspection was required must obtain a certificate.

(c) At the request of the Superintendent, the Commissioner of the Division of Motor Vehicles may suspend the registration of any vehicle which the Superintendent determines is in such an unsafe condition that it constitutes a menace to safety or which after notice and demand is not equipped as required in this chapter or for which the vehicle's owner has not obtained the required certificate.

(d) If requested by the owner of the vehicle, the Superintendent shall also cause to be inspected a Class A farm use motor vehicle exempt from annual registration certificate and licensing as provided in section two, article three, chapter seventeen-a of this code. If the Class A farm use motor vehicle passes the inspection, the Superintendent shall cause a certificate of inspection to be issued for that vehicle.”

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2860, To dispose of old AFFF foam accumulated by fire departments; 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. 2900, Relating to the Deputy Sheriff Retirement System; on second reading, coming up in regular order, was read a second time.

An amendment offered by Delegates Pinson and Hanshaw (Mr. Speaker) was reported by the Clerk.

Whereupon,

Delegate Pinson asked and obtained unanimous consent that the amendment be withdrawn.

On motion of Delegates Storch, Pinson and Hanshaw (Mr. Speaker), the bill was amended on page 2, section 24a, after line 24, by inserting a new subsection (c) to read as follows:

“(c) Any retired member who is seeking re-employment pursuant to the provisions of this section shall not be subject to the maximum age restriction set forth in §7-14-8 of this code.”

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 3042, Relating to forbidding excessive government limitations on exercise of religion; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Kimble, and by unanimous consent, the bill was advanced to third reading with amendments pending, and the rule was suspended to permit the offering and consideration of amendments on that reading.

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; on second reading, coming up in regular order, was read a second time.

Delegates Dillon, Dean and Longanacre moved to amend the bill on page 1, section §5B-2-16e, line 5, by striking the words "Secretary of the Department of Economic Development" and inserting in lieu thereof the words "State Superintendent of Schools".

And,

On page 2, section §5B-2-16e, line 14, by striking the words "Secretary of the Department of Economic Development" and inserting in lieu thereof the words "State Superintendent of Schools".

And,

On page 2, section §5B-2-16e, line 22, after the words "Department of" by striking the words "Economic Development" and inserting in lieu thereof the word "Education".

And,

On page 2, section §5B-2-16e, line 27, after the words "Department of" by striking the words "Economic Development" and inserting in lieu thereof the word "Education".

And,

On page 2, section §5B-2-16e, line 33, after the words "private sector grants" by inserting the words "specified by the Department of Education as applicable sources of grant funding for the purposes of this section".

And,

On page 2, section §5B-2-16e, line 35, by striking the words "Secretary of the Department of Economic Development" and inserting in lieu thereof the words "State Superintendent of Schools".

And,

On page 3, section §5B-2-16e, line 38, by striking the words "Secretary of the Department of Economic Development" and inserting in lieu thereof the words "State Superintendent of Schools".

And,

On page 3, section §5B-2-16e, line 43, after the words "Department of" by striking the words "Economic Development" and inserting in lieu thereof the word "Education".

And,

On page 7, section §18-9D-3, line 98, after the words “Department of” by striking the words “Economic Development” and inserting in lieu thereof the word “Education”.

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

The yeas and nays having been ordered, they were taken (**Roll No. 285**), and there were— yeas 26, nays 59, absent and not voting 15, with the yeas and the absent and not voting being as follows:

Yeas: Adkins, Brooks, Burkhammer, Butler, Chiarelli, Cooper, Coop-Gonzalez, Dean, Dillon, A. Hall, Kimble, Kirby, Longanacre, Marple, McGeehan, Phillips, C. Pritt, Ridenour, Ross, Steele, Street, Summers, Toney, Tully, Vance and Worrell.

Absent and Not Voting: Bridges, Ellington, Foggin, Forsht, Horst, Hott, Kump, Lucas, Martin, E. Pritt, Rohrbach, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

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

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 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; 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. 3232, Regulation of Fantasy Gaming Competitions and Implementation of Sports Wagering; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3244, Relating to Municipal Pensions Oversight Board proposing legislative rules; 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. 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; 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. 3271, Relating to increasing monitoring of special education classrooms; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Statler, the bill was amended on page 2, section 11, line 18, after the period, by inserting the words “If the public school is not able to receive the audio recording device by August 1, 2023, the public school may apply to the state Department of Education for a waiver to extend that date to August 1, 2024.”

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 3280, Authorizing adjustment from federal adjusted gross income for certain law enforcement pension benefit payments; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3299, Relating to Natural Resource Police Officer Retirement; 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. 3363, Law Enforcement Officers Safety 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. 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; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3432, Relating to statutory construction; 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. 3445, Relating generally to probation and parole; on second reading, coming up in regular order, was read a second time.

Delegate Kirby moved to amend the bill on page 2, section 30, line 39, by inserting the following language and renumbering as appropriate thereafter.

“(e) Limitations on eligibility for earned compliance credits. - A person shall not be eligible to receive earned compliance credits as set forth in subsections (a) through (d) for periods of probation or parole resulting from convictions of the following offenses:

(1) Any felony crime of violence against the person as set forth in §61-2-1 et seq., §61-3E-1 et seq., §61-8B-1 et seq., and §61-8D-1 et seq. of this code.

(2) Any offense in which the probationer or parolee used or exhibited a deadly weapon or dangerous instrument.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 286**), and there were— yeas 73, nays 7, absent and not voting 20, with the nays and the absent and not voting being as follows:

Nays: Garcia, Griffith, Hansen, Petitto, Pushkin, Rowe and Walker.

Absent and Not Voting: Barnhart, Bridges, Dillon, Ellington, Foggin, Forsht, Hanna, Horst, Hott, Kump, Lucas, Martin, Pinson, C. Pritt, E. Pritt, Ross, Smith, Westfall, Williams and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the amendment was adopted.

The bill was then ordered to engrossment and third reading.

H. B. 3519, Making a supplementary appropriation to the Department of Transportation, Division of Motor Vehicles; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3520, Making a supplementary appropriation to the Department of Education, State Board of Education – Vocational Division; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3521, Making a supplementary appropriation to the Division of Health – Maternal and Child Health; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3522, Making a supplementary appropriation to the Department of Commerce, Division of Natural Resources – License Fund – Wildlife Resources; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3523, Making a supplementary appropriation to Miscellaneous Boards and Commissions, Economic Development Authority; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

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; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3554, Relating to prohibiting a municipality or the governing body of any municipality from limiting rental of a property; 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. 2814, To create a Hydrogen power task force; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 2875, Clarifying that Circuit Court Judges have the ability/authority to waive the requirement that a party pass a home study performed by the DHHR; on first reading, coming up in regular order, was read a first time and ordered to second reading.

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; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 2910, Making a supplementary appropriation to the Department of Administration, Public Defender Services; on first reading, coming up in regular order, was read a first time and ordered to second reading.

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; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 2953, Creating the Commission on Cost-of-Living Adjustments; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 2989, Relating to increasing the number of out-of-state medical students receiving in-state tuition rates who agree to practice for a specific time within 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. 3018, Establishing that 18 is the age of consent and removing the ability of an underage person to obtaining a consent to marry through their parents, legal guardians, or by petition to the circuit court; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 3035, Relating generally to high-quality education programs and school operations; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 3066, Supplementing and amending appropriations to the Department of Education, State Board of Education - State Aid to Schools; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 3072, Supplementing and amending appropriations to Department of Homeland Security, Division of Administrative Services; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 3084, Relating to revising provisions related to public charter schools; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 3146, Establishing in West Virginia Code, the contents of the Uniform Public Meetings During Emergencies Act; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 3156, Raising the compensation rates of panel attorneys; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 3224, Adding West Virginia Junior College to the list of eligible institutions that accept PROMISE scholarship recipients; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 3270, To amend the deliberate intent statute to limit noneconomic damages to \$250,000; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 3315, Relating generally to readiness enhancement and commission bonuses; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 3330, Creating family court circuits and assigning the number of family court judges in each family court circuit to be elected in the 2024 election; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 3331, Relating generally to support staff in the family courts and magistrate courts of this state; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 3332, Creating judicial circuits and assigning the number of circuit judges in each circuit to be elected in the 2024 election; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 3342, Relating to cooperation between municipal and county economic development authorities; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 3360, Creating an office of the Inspector General within the Department of Homeland Security; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 3369, Creating a School Safety Unit within the Division of Protective Services; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 3370, Creating loan program for certain properties and developments on U. S. Army Corps of Engineers land, state parks and resorts; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 3396, Supplementing, amending, and increasing existing items of appropriation from the State Road Fund to the Department of Transportation, Division of Highways; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 3439, To limit the civil liability of child placing agencies that obtain an insurance policy in an amount not less than \$1 million per incident; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 3443, Relating to a development or improvement on land subject to review by the State Historic Preservation Office; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 3464, Relating to the transfer of certain revenues derived from lottery activities; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Delegate Foster then moved that the bill (H. B. 3464) be recommitted to the Committee on Finance.

Delegate Householder moved to table the motion.

On this question the yeas and nays were demanded, which demand was not sustained.

The question was then put and the motion to recommit the bill to the Committee on Finance was laid upon the table.

H. B. 3509, Making a supplementary appropriation to Miscellaneous Boards and Commissions, Public Service Commission – Consumer Advocate Fund; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 3510, Making a supplementary appropriation to the Department of Administration, Office of Technology – Chief Technology Officer Administration Fund; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 3526, Making a supplementary appropriation to Miscellaneous Boards and Commissions, Public Service Commission; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 3527, Supplementing and amending appropriations to Department of Education, School Building Authority; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 3529, Making a supplementary appropriation to the Department of Commerce, State Board of Rehabilitation – Division of Rehabilitation Services; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 3559, Relating to defining a newborn safety device; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 3560, Relating to expanding the definitions of land and recreational purposes; on first reading, coming up in regular order, was read a first time and ordered to second reading.

At 2:42 p.m., on motion of Delegate Kimble, the House of Delegates recessed until 5:00 p.m.

* * * * *

Evening Session

* * * * *

The House of Delegates was called to order by the Honorable Paul Espinosa, Speaker Pro Tempore.

At the request of Delegate Kimble, and by unanimous consent, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

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. 3480, Enact the West Virginia Consumer Financial Privacy Act of 2023,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3480 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6O-1, §46A-6O-2, and §46A-6O-3, all relating to the enactment of the West Virginia Consumer Privacy Act of 2023; providing definitions; providing prohibitions on disclosures or sales of certain consumer financial information; providing for civil remedies; and providing for enforcement actions of the Attorney General,"

With the recommendation that the committee substitute do pass.

Mr. Speaker (Mr. Hanshaw), Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 4, Jon D. Wayt Memorial Bridge,

H. C. R. 9, PFC Walter C. Horner Memorial Bridge,

H. C. R. 10, Shelby "Cubby" Foster and Robert "Robbie" Collins Memorial Road,

H. C. R. 23, U.S. Army SGT Theron Turner Memorial Bridge,

H. C. R. 34, William N. "Shug" Kisner Memorial Bridge,

H. C. R. 40, USMC Larry Allen "Crocky" Holstein, Jr. Memorial Bridge,

H. C. R. 41, U. S. Army PFC Herman H. Lucas Memorial Bridge,

H. C. R. 42, U. S. Army SSG William Joseph "Will" Thompson Memorial Bridge,

H. C. R. 43, U.S. Navy Quartermaster C.E. "Red" Landfried Memorial Bridge,

H. C. R. 44, U. S. Army PV2 Harold Richard Plumley Memorial Bridge,

H. C. R. 45, Lewis Joseph D'Antoni Memorial Road,

H. C. R. 47, U. S. Army SGT Walter Hedrick Memorial Bridge,

H. C. R. 49, U. S. Army 1SG Elmer C. Lofton Memorial Bridge,

And,

H. C. R. 50, U. S. Army PVT Leon 'Deacon' Stover Memorial Bridge,

And reports the same back with the recommendation that they each be adopted.

Delegate Statler Vice-Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

H. B. 2992, Clarifying and updating school bus rules and the types of vehicles covered,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2992 - "A Bill to amend and reenact §17C-1-7 of the Code of West Virginia, 1931, as amended, relating to clarifying and updating school bus rules and the types of vehicles covered in this statute,"

And,

H. B. 3049, To create the American Campuses Act,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3049 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-2D-1, relating to establishing the American Campuses Act; prohibiting foreign missions of Foreign Countries of Risk to state higher education institutions; prohibiting involvement with any Foreign Government-Sponsored Talent Recruitment Program of a Foreign Country of Risk; and setting forth reporting requirements for state institutions of higher education,"

With the recommendation that the committee substitutes each do pass.

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

By Delegates Phillips, McGeehan, Chiarelli, Adkins and Longanacre:

H. B. 3561 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-16-1, §4-16-2, §4-16-3, §4-16-4, §4-16-5, §4-16-6, and §4-16-7, relating generally to creating the Joint Legislative Committee on Civic Life; creating the Institute for Civic Life; appointment of Board of Directors; filling of vacancies on Board of Directors; election of Board of Directors officers; and powers and duties of Board of Directors generally."

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

By Delegates Phillips, McGeehan, Crouse, Honaker, Dean, Heckert, Longanacre, Adkins and Brooks:

H. B. 3562 - "A Bill to amend and reenact §15A-12-1, §15A-12-2, §15A-12-3, §15A-12-4, §15A-12-5 and §15A-12-7 of the Code of West Virginia, 1931, as amended, all generally relating to clarifying security clearance and/or non-disclosure agreement requirements, the duties, functions, reporting requirements, prohibitions and restrictions applicable to the West Virginia Fusion Center and to add certain criminal penalties for violations of prohibitions and restrictions applicable to the West Virginia Fusion Center."

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. 3203, Relating generally to West Virginia Real Estate License Act,

And,

H. B. 3451, Updating the veteran preference ratings in state code for state employment,

And reports the same back with the recommendation that they 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. 3371, Relating to federal funds for land-grant institutions,

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

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

Your Committee on Finance has had under consideration:

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

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3133 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, §11-13MM-3, §11-13MM-4, §11-13MM-5, §11-13MM-6, §11-13MM-7, §11-13MM-8, §11-13MM-9, §11-13MM-10 and §11-13MM-11, all relating to establishing a road or highway infrastructure improvement projects or coal production and processing facilities tax credit for taxpayers subject to the tax imposed by West Virginia code §11-13A-3; specifying a short title; specifying legislative findings and purpose for new credit; defining terms; specifying the amount of the credit, application of credit, and carry forward of unused credit; requiring filing of application for road or highway infrastructure improvement project credit as condition precedent to claiming credit, specifying procedure for application for certification, contents of application and limitation on maximum amount of credits which can be approved; specifying computation of qualified investment in coal production and processing facilities; allowing transfer of credits to successors; providing for forfeiture of unused tax credits and redetermination of credit allowed; providing penalties for failure to maintain records of qualified property; and establishing an effective date,"

And,

H. B. 3303, Clarifying and expanding the powers and duties of the director of the Coalfield Community Development Office,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3303 - "A Bill to amend and reenact §5B-2A-4 and §5B-2A-5 of the Code of West Virginia, 1931, as amended, all relating to providing that the Governor appoint and set

the salary of the director of the office; providing that funding for position and to carry out the duties of the office shall be as provided by appropriation of the Legislature; and clarifying and providing additional duties, powers, and responsibilities for the Office of Coalfield Community Development,”

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. 3135, To modify the salaries of the Governor and Constitutional officers beginning January 1, 2025,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3135 - "A Bill to amend and reenact §6-7-2 of the Code of West Virginia, 1931, as amended, relating to increasing compensation of designated constitutional officers, including for the Governor, Attorney General, Auditor, Secretary of State, Commissioner of Agriculture, and State Treasurer, beginning in the calendar year 2025, and for each calendar year after that,"

And,

H. B. 3344, To pay certain moral obligations of the state,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3344 - "A Bill finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof,"

With the recommendation that the committee substitutes each do pass.

Leaves of Absence

At the request of Delegate Kimble, and by unanimous consent, leaves of absence for the day were granted Delegates Bridges, Horst, Hott, E. Pritt, Smith, Westfall and Williams.

Miscellaneous Business

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

H. B. 3049: Delegate Dillon;

H. B. 3354: Delegate Steele;

And,

H. C. R. 42: Delegate Ridenour.

At 5:50 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, February 27, 2023.

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

SPECIAL CALENDAR

Monday, February 27, 2023

48th Day

11:00 A. M.

UNFINISHED BUSINESS

- H. C. R. 4 - U.S. Army MSG Jon D. Wayt Memorial Bridge
- H. C. R. 9 - U.S. Army PFC Walter C. Horner Memorial Bridge
- H. C. R. 10 - Shelby “Cubby” Foster and Robert “Robbie” Collins Memorial Road
- H. C. R. 23 - U.S. Army SGT Theron Turner Memorial Bridge
- H. C. R. 34 - William N. “Shug” Kisner Memorial Bridge
- H. C. R. 40 - USMC Larry Allen “Crocky” Holstein, Jr. Memorial Bridge
- H. C. R. 41 - U. S. Army PFC Herman H. Lucas Memorial Bridge
- H. C. R. 42 - U. S. Army SSG William Joseph “Will” Thompson Memorial Bridge
- H. C. R. 43 - U.S. Navy Quartermaster C.E. “Red” Landfried Memorial Bridge
- H. C. R. 44 - U. S. Army PV2 Harold Richard Plumley Memorial Bridge
- H. C. R. 45 - Lewis Joseph D’Antoni Memorial Road
- H. C. R. 47 - U. S. Army SGT Walter Hedrick Memorial Bridge
- H. C. R. 49 - U. S. Army 1SG Elmer C. Lofton Memorial Bridge
- H. C. R. 50 - U. S. Army PVT Leon ‘Deacon’ Stover Memorial Bridge

THIRD READING

- 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. 2122 - Relating to custodial interrogation of a child (CAPITO) (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. 2900 - Relating to the Deputy Sheriff Retirement System (CRISS) (REGULAR)
- Com. Sub. for H. B. 3042 - Relating to forbidding excessive government limitations on exercise of religion (CAPITO) (REGULAR) [AMENDMENTS PENDING]
- Com. Sub. for H. B. 3095 - Creating special revenue account known as School Building Authority Agricultural, Vocational and Technical Training Facilities Grant Fund (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 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)
- H. B. 3432 - Relating to statutory construction (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3445 - Relating generally to probation and parole (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. 3554 - Relating to prohibiting a municipality or the governing body of any municipality from limiting rental of a property (HOWELL) (REGULAR)

SECOND READING

- Com. Sub. for H. B. 2814 - To create a Hydrogen power task force (ANDERSON) (REGULAR)
- H. B. 2875 - Clarifying that Circuit Court Judges have the ability/authority to waive the requirement that a party pass a home study performed by the DHHR (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)
- Com. Sub. for H. B. 2953 - Creating the Commission on Cost-of-Living Adjustments (CRISS) (REGULAR)
- Com. Sub. for H. B. 2989 - Relating to increasing the number of out-of-state medical students receiving in-state tuition rates who agree to practice for a specific time within West Virginia (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 3018 - Establishing that 18 is the age of consent and removing the ability of an underage person to obtaining a consent to marry through their parents, legal guardians, or by petition to the circuit court (CAPITO) (REGULAR)

- Com. Sub. for H. B. 3035 - Relating generally to high-quality education programs and school operations (CRISS) (REGULAR)
- H. B. 3066 - Supplementing and amending appropriations to the Department of Education, State Board of Education - State Aid to Schools (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3072 - Supplementing and amending appropriations to Department of Homeland Security, Division of Administrative Services (CRISS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 3084 - Relating to revising provisions related to public charter schools (ELLINGTON) (JULY 1, 2023)
- H. B. 3146 - Establishing in West Virginia Code, the contents of the Uniform Public Meetings During Emergencies Act (CAPITO) (REGULAR)
- H. B. 3156 - Raising the compensation rates of panel attorneys (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3224 - Adding West Virginia Junior College to the list of eligible institutions that accept PROMISE scholarship recipients (CRISS) (REGULAR)
- Com. Sub. for H. B. 3270 - To amend the deliberate intent statute to limit noneconomic damages to \$250,000 (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3315 - Relating generally to readiness enhancement and commission bonuses (CRISS) (REGULAR)
- H. B. 3330 - Creating family court circuits and assigning the number of family court judges in each family court circuit to be elected in the 2024 election (CAPITO) (REGULAR)
- H. B. 3331 - Relating generally to support staff in the family courts and magistrate courts of this state (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3332 - Creating judicial circuits and assigning the number of circuit judges in each circuit to be elected in the 2024 election (CAPITO) (REGULAR)
- H. B. 3342 - Relating to cooperation between municipal and county economic development authorities (CRISS) (REGULAR)
- H. B. 3360 - Creating an office of the Inspector General within the Department of Homeland Security (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3369 - Creating a School Safety Unit within the Division of Protective Services (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3370 - Creating loan program for certain properties and developments on U. S. Army Corps of Engineers land, state parks and resorts (CRISS) (REGULAR)

- 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. 3439 - To limit the civil liability of child placing agencies that obtain an insurance policy in an amount not less than \$1 million per incident (CAPITO) (REGULAR)
- H. B. 3443 - Relating to a development or improvement on land subject to review by the State Historic Preservation Office (HOWELL) (REGULAR)
- H. B. 3464 - Relating to the transfer of certain revenues derived from lottery activities (CRISS) (REGULAR) [FINANCE COMMITTEE TITLE AMENDMENT PENDING]
- H. B. 3509 - Making a supplementary appropriation to Miscellaneous Boards and Commissions, Public Service Commission – Consumer Advocate Fund (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3510 - Making a supplementary appropriation to the Department of Administration, Office of Technology – Chief Technology Officer Administration Fund (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3526 - Making a supplementary appropriation to Miscellaneous Boards and Commissions, Public Service Commission (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3527 - Supplementing and amending appropriations to Department of Education, School Building Authority (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3529 - Making a supplementary appropriation to the Department of Commerce, State Board of Rehabilitation – Division of Rehabilitation Services (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3559 - Relating to defining a newborn safety device (CAPITO) (REGULAR)
- H. B. 3560 - Relating to expanding the definitions of land and recreational purposes (HOWELL) (REGULAR)

FIRST READING

- H. B. 2939 - Relating to filing of lien by municipalities for collection of refuse fees (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2992 - Clarifying and updating school bus rules and the types of vehicles covered (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 3049 - To create the American Campuses Act (ELLINGTON) (REGULAR)

- Com. Sub. for H. B. 3133 - Create a credit against the severance tax to encourage private companies to make infrastructure improvements to highways, roads and bridges in this state (CRISS) (REGULAR)
- Com. Sub. for H. B. 3135 - To modify the salaries of the Governor and Constitutional officers beginning January 1, 2025 (CRISS) (REGULAR)
- H. B. 3203 - Relating generally to West Virginia Real Estate License Act (PHILLIPS) (REGULAR)
- Com. Sub. for H. B. 3303 - Clarifying and expanding the powers and duties of the director of the Coalfield Community Development Office (CRISS) (REGULAR)
- Com. Sub. for H. B. 3313 - Restraining county commissions from imposing rules and regulations on farmers beyond what is already prescribed through state statute (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3344 - To pay certain moral obligations of the state (CAPITO) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 3354 - To authorize municipalities to combine operations with other municipalities and counties to provide governmental services (CAPITO) (REGULAR)
- H. B. 3371 - Relating to federal funds for land-grant institutions (CRISS) (REGULAR)
- Com. Sub. for H. B. 3405 - Change the maximum time period of a protective order to one year (CAPITO) (REGULAR)
- H. B. 3451 - Updating the veteran preference ratings in state code for state employment (PHILLIPS) (REGULAR)
- Com. Sub. for H. B. 3480 - Enact the West Virginia Consumer Financial Privacy Act of 2023 (CAPITO) (REGULAR)
- H. B. 3500 - Allowing consumer lenders to permit employees to conduct certain business at locations other than the licensee's designated office (CAPITO) (REGULAR)
- H. B. 3561 - Relating generally to creating the Joint Legislative Committee on Civic Life (PHILLIPS) (REGULAR)
- H. B. 3562 - Relating to the West Virginia Fusion Center (PHILLIPS) (REGULAR)

HOUSE CALENDAR

Monday, February 27, 2023

48th 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. 3459 - To allow for a best value procurement evaluation for prequalified bidders (PHILLIPS) (REGULAR)

SECOND READING

- Com. Sub. for S. B. 188 - Grid Stabilization and Security Act of 2023 (CRISS) (REGULAR)
- 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. 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)
- 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)
- 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. 3558 - Relating to providing an exception to the provisions of the Uniform Common Interest Ownership Act (UCOIA) (HOWELL) (REGULAR)

FIRST READING

- Com. Sub. for S. B. 51 - Requiring impact statement in certain instances of school closing or consolidation (ELLINGTON) (REGULAR)
- 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]
- Com. Sub. for S. B. 205 - Relating to registration plates (LINVILLE) (REGULAR) [TECHNOLOGY AND INFRASTRUCTURE COMMITTEE AMENDMENT PENDING]
- S. B. 246 - Revising membership of Broadband Enhancement Council (LINVILLE) (REGULAR)
- Com. Sub. for S. B. 439 - Establishing design-build program for DEP (LINVILLE) (REGULAR)
- Com. Sub. for S. B. 463 - Increasing validity of CDL instruction permit (LINVILLE) (REGULAR)
- S. B. 591 - Allowing counties and municipalities to jointly undertake development projects (HOWELL) (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. 2878 - To grant the Fleet Management Division oversight authority of the state vehicle fleet (PHILLIPS) (REGULAR) [GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING]

- Com. Sub. for H. B. 3421 - Recodifying the code to eliminate conflicts (CAPITO) (REGULAR)
- 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**

MONDAY, FEBRUARY 27, 2023

HOUSE CONVENES AT 11:00 A.M.

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.**

COMMITTEE ON RULES

10:45 A.M. – BEHIND CHAMBER

COMMITTEE ON GOVERNMENT ORGANIZATION

1:00 P.M. – ROOM 215-E

COMMITTEE ON EDUCATION

2:00 P.M. – ROOM 432-M

COMMITTEE ON THE JUDICIARY

3:00 P.M. – ROOM 460-M

TUESDAY, FEBRUARY 28, 2023

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