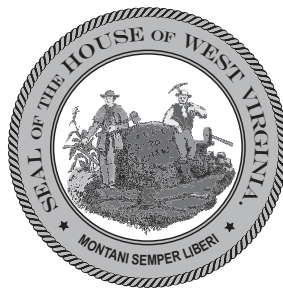


West Virginia Legislature

**JOURNAL**  
of the  
**HOUSE of DELEGATES**

Eighty-Fifth Legislature  
Third Extraordinary Session

Held at Charleston  
Published by the Clerk of the House



July 25, 2022  
FIRST DAY



West Virginia Legislature  
Journal of the House of Delegates  
Eighty-Fifth Legislature  
Third Extraordinary Session

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Charleston, Monday, July 25, 2022

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

Pursuant to the Proclamation of His Excellency, the Governor, issued the twentieth day of July, 2022, and hereinafter set forth with subsequent amendment, convening the Legislature in Extraordinary Session at Noon on the twenty-fifth day of July, 2022, the House of Delegates assembled in its Chamber in the Capitol Building in the City of Charleston, and was called to order by the Speaker, the Honorable Roger Hanshaw.

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

**Messages from the Executive  
And Other Communications**

The following communications were read by the Clerk:

STATE OF WEST VIRGINIA  
HOUSE OF DELEGATES  
WEST VIRGINIA LEGISLATURE

June 1, 2022

Speaker Hanshaw,

It has been one of the greatest honors serving in the West Virginia House of Delegates. In 2021, when I decided not to seek re-election due to complications of finding employment outside of the Legislature willing to work with our schedule, it was one of the hardest decisions I had to make. As I have mentioned before, I ran for this office to ensure the district I lived in was well represented.

While I tried my hardest to find suitable employment to stay in West Virginia, by submitting over 300 resumes and applications with little to no avail, I did expand my search to a few other states with minimal effort.

I have since been offered and have accepted a job in Bradenton, Florida which I will be starting in the very near future. Since I must leave the district for an extended period, I wanted to ensure that the district wasn't left without representation during interims or any possible special sessions that may occur. Therefore, I am hereby resigning from my position in the WV House of Delegates, District 22, effective June 1, 2022, at 11:59 pm.

It's been an Honor serving the State and I hope that each of you will work extremely hard on moving WV in the right direction. Best wishes and may God direct each of you to do what is right for the people of this state.

Sincerely,

Delegate Joe Jeffries  
WV House of Delegates – District 22

STATE OF WEST VIRGINIA  
Jim Justice  
Governor of West Virginia

June 14, 2022

The Honorable Mac Warner  
Secretary of State  
State Capitol  
Charleston, West Virginia 25305

Dear Secretary Warner:

Pursuant to W. Va. Code § 3-10-5, I have this day appointed Jarred Cannon, Hurricane, Putnam County, as a Delegate representing the Twenty-Second District of the House of Delegates, to fill the vacancy created by the resignation of the Honorable Joe Jeffries.

Sincerely,

Jim Justice  
Governor

The Clerk announced that Delegate Cannon had taken the oath of office on June 15, 2022.

### **Messages from the Senate**

A message from the Senate, by

Senator Sypolt, on behalf of the committee from the Senate, announced that the Senate had assembled for the Third Extraordinary Session of the 85<sup>th</sup> Legislature, and was ready to proceed to the business of the session.

Delegate Kessinger arose to suggest the absence of a quorum. The Clerk opened the voting machine to determine the presence of a quorum (**Roll No. 745**), and 93 members having registered their presence, the Speaker declared a quorum was present, with the absent being as follows:

Absent: Evans, Foster, Graves, Lovejoy, Reed, Summers and Williams.

On motion of Delegate Kessinger, the Speaker was authorized to appoint a committee of three to notify the Senate that the House of Delegates had assembled in extraordinary session and was ready to enter upon the business stated in the Proclamations by which it had been called together.

Whereupon,

The Speaker appointed as members of such committee:

Delegates Queen, Barrett and Boggs.

On motion of Delegate Kessinger, the Speaker was authorized to appoint a committee of three, to join with a similar committee on the part of the Senate, to inform His Excellency, the Governor, that the Legislature had assembled in extraordinary session and was ready to enter upon the business stated in the Proclamation.

Whereupon,

The Speaker appointed as members of such committee:

Delegates Kimble, Rowan and Pethtel.

### **Messages from the Executive**

A Proclamation of His Excellency, the Governor, convening the Legislature in extraordinary session, was laid before the House of Delegates and reported by the Clerk:

STATE OF WEST VIRGINIA  
EXECUTIVE DEPARTMENT  
Charleston

### **A P R O C L A M A T I O N**

By the Governor

**I, JIM JUSTICE**, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby call the West Virginia Legislature to convene in Extraordinary Session at Noon on Monday, July 25, 2022, in its chambers in the State Capitol, the City of Charleston, for the limited purpose of considering and acting upon only the following matters:

**FIRST:** To amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated Chapter 11, Article 21, Section 4g, to provide that (a) the tax imposed by Chapter 11, Article 21, Section 3 of the code on the West Virginia taxable income of every individual (except married individuals filing separate returns), every individual who is a head of a household in the determination of his or her federal income tax for the taxable year, every husband and wife who file a joint return under Chapter 11, Article 21 of the code, every individual who is entitled to file his or her federal income tax return for the taxable year as a surviving spouse, and every estate and trust shall be determined in accordance with the following table:

If the West Virginia taxable

income is:

The tax is:

Not over \$10,000

2.0% of the taxable income

Over \$10,000 but not over \$25,000

\$200 plus 3.7% of excess over \$10,000

Over \$25,000 but not over \$40,000

\$755 plus 4.2% of excess over \$25,000

Over \$40,000 but not over \$60,000	\$1,385 plus 5.5% of excess over \$40,000
Over \$60,000	\$2,485 plus 5.98% of excess over \$60,000;

(b) in the case of husband and wife filing separate returns under Chapter 11, Article 21 of the code for the taxable year, the tax imposed by Chapter 11, Article 21, Section 3 of the code on the West Virginia taxable income of each spouse shall be determined in accordance with the following table:

If the West Virginia taxable

income is:

The tax is:

Not over \$5,000

2.0% of the taxable income

Over \$5,000 but not over \$12,500

\$100 plus 3.7% of excess over \$5,000

Over \$12,500 but not over \$20,000

\$377.50 plus 4.2% of excess over \$12,500

Over \$20,000 but not over \$30,000

\$692.50 plus 5.5% of excess over \$20,000

Over \$30,000

\$1,242.50 plus 5.98% of excess over \$30,000;

(c) notwithstanding anything in the code to the contrary, whenever the words "six and one-half percent" appear in Chapter 11, Article 21 of the code, these words shall mean 5.98% ; and

(d) the provisions of this new Chapter 11, Article 21, Section 4g of the code shall be applicable in determining the rates of tax imposed by Chapter 11, Article 21 of the code and shall apply retroactively for all taxable years beginning on and after January 1, 2022, and shall be in lieu of the rates of tax specified in Chapter 11, Article 21, Section 4e of the code; and

**SECOND:** To authorize and appropriate public funds sufficient to pay for the Extraordinary Session, as necessary.

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



**DONE** at the Capitol in the City of Charleston, State of West Virginia, this Twentieth Day of July, in the Year of our Lord, Two Thousand Twenty-Two, and in the One Hundred Sixtieth Year of the State.

James Justice,  
*Governor.*

By the Governor

Mac Warner,  
*Secretary of State.*

A subsequent Proclamation of His Excellency, the Governor, amending the Proclamation convening the Legislature in extraordinary session, was laid before the House of Delegates and reported by the Clerk.

STATE OF WEST VIRGINIA  
EXECUTIVE DEPARTMENT  
Charleston

**A P R O C L A M A T I O N**

By the Governor

I, **JIM JUSTICE**, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby **AMEND** the proclamation dated July 20, 2022, calling the West Virginia Legislature to convene in Extraordinary Session on Monday, July 25, 2022, in its chambers in the State Capitol, the City of Charleston, by adding item three, as follows:

**THIRD:** To clarify and modernize the abortion-related laws currently existing as part of the West Virginia Code, to ensure a coherent, comprehensive framework governing abortions and attendant family services and support to expecting mothers to provide the citizens of this State more certainty in the application of such laws.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



**DONE** at the Capitol in the City of Charleston, State of West Virginia, this Twenty-Fifth Day of July, in the Year of our Lord, Two Thousand Twenty-Two, and in the One Hundred Sixtieth Year of the State.

James Justice,  
*Governor.*

By the Governor

Mac Warner,  
*Secretary of State.*

**Bills Introduced**

On motions for leave, a bill was introduced, read by its title, and referred as follows:

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

**H. B. 301** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-4g, all relating to reducing the personal income tax; providing for reduced graduated income tax rates; reducing the rate of tax on composite returns; reducing the rate of withholding tax on nonresident income; reducing the rate of withholding tax on the nonresident sale of real estate; reducing the rate of withholding on gambling winnings; and

applying the rates retroactively to January 1, 2022; and generally providing effective dates”; to the Committee on Finance.

At 12:56 p.m., on motion of Delegate Kessinger, the House of Delegates recessed until 6:00 p.m.

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### Evening Session

\* \* \* \* \*

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

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

### Committee Reports

On motion for leave, a bill was introduced (Originating in the Committee on Health and Human Resources and reported with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary), which was read by its title, as follows:

**By Delegates Jeffries, Pack, Jennings, Dean, Honaker, G. Ward, Rowan, Worrell, Mallow, Forsht and Miller:**

**H. B. 302** – “A Bill to amend and reenact §9-2-11 of the code of West Virginia, 1931, as amended; to amend and reenact §16-2F-9 of said code; of said code; to amend and reenact §16-2I-9 of said code; to amend and reenact §16-2O-1 of said code; to amend and reenact §16-2P-1 of said code; to amend and reenact §16-2Q-1 of said code; to amend said code by adding thereto a new article designated, §16-2R-1, §16-2R-2, §16-2R-3, §16-2R-4, §16-2R-5, 16-2R-6 and §16-2R-7; to amend and reenact §30-1-26 of said code; to amend and reenact §33-42-8 of said code; to amend and reenact §61-2-8 of said code; all relating to abortion.”

On motion of Delegate Kessinger, the bill (H. B. 302) was taken up for immediate consideration and read a first time.

The Speaker then referred the bill to the Committee on the Judiciary.

### Leaves of Absence

At the request of Delegate Kessinger, and by unanimous consent, leaves of absence for the day were granted Delegates Evans, Foster, Graves, Lovejoy, Reed, Summers and Williams.

At 6:18 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, July 26, 2022.



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



**SPECIAL CALENDAR**

**Tuesday, July 26, 2022**

**2<sup>nd</sup> Day**

**11:00 A. M.**

**(No Bills)**



**HOUSE CALENDAR**

**Tuesday, July 26, 2022**

**2<sup>nd</sup> Day**

**11:00 A. M.**

**(No Bills)**



**WEST VIRGINIA  
HOUSE OF DELEGATES**

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**TUESDAY, JULY 26, 2022**

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

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**COMMITTEE ON THE JUDICIARY  
8:30 A.M. – ROOM 410-M**

**COMMITTEE ON FINANCE  
9:00 A.M. – ROOM 462-M**

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**WEDNESDAY, JULY 27, 2022**

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**JOINT PUBLIC HEARING  
COMMITTEE ON HEALTH AND HUMAN RESOURCES  
AND  
COMMITTEE ON THE JUDICIARY  
9:00 A.M. – HOUSE CHAMBER  
H. B. 302, CLARIFYING WEST VIRGINIA'S ABORTION LAWS.**

HOUSE OF DELEGATES  
STEPHEN J. HARRISON, Clerk  
Building 1, Room M-212  
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