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January 16, 2023
SIXTH DAY

Monday, January 16, 2023

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, January 13, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 2506, Creating a title clearinghouse for non-resident businesses,

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

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

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

H. B. 2017, Relating to service of process in child abuse cases,

And,

H. B. 2029, Repealing the creation of an all-payor claims database,

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

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

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

H. B. 2018, Permitting the managed care case coordinator to attend the multidisciplinary team meeting,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2018 – “A Bill to amend and reenact §49-4-405 and §49-4-406 of the Code of West Virginia, 1931, as amended, all relating to designating the managed care case coordinator as a member of the multidisciplinary team”,

With the recommendation that the committee substitute do pass.

Messages from the Senate

A message from the Senate, by

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

S. B. 126 - “A Bill to amend and reenact §5F-1-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §5F-2-1 and §5F-2-2 of said code; to amend and reenact §6-7-2a of said code; to repeal §9-1-1 of said code; to amend and reenact §9-1-2 of said code; to amend and reenact §9-2-1 of said code; to repeal §9-2-1a of said code; to amend and reenact §9-2-2, §9-2-5, and §9-2-6, of said code; to repeal §9-2-9 of said code; to amend and reenact §9-2-13 of said code; to amend said code by adding thereto a new section designated, §9-2-14; to amend and reenact §16-1-2, §16-1-3, §16-1-4, and §16-1-6; to amend said code by adding thereto a new section designated, §16-1-22; to amend and reenact §26-1-1, §26-1-2, and §26-1-3; to amend said code by adding thereto a new section, designated §26-1-4; to repeal §26-3-1, §26-3-2, §26-3-3, §26-3-4, and §26-3-5 of said code; to repeal §26-5-1 of said code; to repeal §26-5A-5a of said code; to repeal §26-8-1, §26-8-2, and §26-8-3 of said code; to repeal §26-9-1 and §26-9-2 of said code; to repeal §26-10-1 of said code; to repeal §26-11-1, §26-11-2, §26-11-3, and §26-11-4 of said code; to repeal to amend and reenact §48-18-101 of said code; and to amend and reenact §49-1-106 of said code; all relating to reorganizing the Department of Health and Human Resources”; which was referred to the Committee on Health and Human Resources then Finance.

A message from the Senate, by

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

S. B. 127 - “A Bill to amend and reenact §5-16-20 and §5-16-25 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto by adding a new section, designated §5-16-30, all relating to the West Virginia Public Employees Insurance Act; requiring the Public Employees Insurance Agency finance board to supplement reimbursements with reserve funds; reimbursement of hospital inpatient rates by the plan; reimbursement of emergency medical service providers and agencies rates by the plan; and naming of funds within the Public Employees Insurance Agency”; which was referred to the Committee on Banking and Insurance then Finance.

A message from the Senate, by

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

S. B. 128 - “A Bill to amend and reenact §15-5-2 and §15-5-6 of the Code of West Virginia, 1931, as amended, all relating to states of emergency and preparedness; defining terms; clarifying the authority of the Governor and the Legislature to proclaim or declare states of emergency and preparedness; creating two classes of states of preparedness and establishing the criteria therefor; establishing the initial duration of gubernatorially proclaimed states of

emergency and preparedness and the requirements for extending same; expanding and clarifying the powers of the Governor as to what he or she may order under proclamations of states of emergency and preparedness; expressly limiting the Governor's authority to order certain actions in an executive order issued pursuant to a proclamation or declaration of a state of emergency or preparedness; clarifying that the declaration of a state of preparedness has the same effect as a declaration of a state of emergency for the purposes of the Emergency Management Assistance Compact and the Statewide Mutual Aid System; and stating that the powers granted as to orders issued under states of emergency do not include the authority to limit the lawful possession and use of firearms and ammunitions"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

S. B. 129 - "A Bill to amend and reenact §4-11-5 of the Code of West Virginia, 1931, as amended, relating to limiting gubernatorial authority to spend certain amounts of federal funds without appropriation from the Legislature"; which was referred to the Committee on Government Organization then Finance.

A message from the Senate, by

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

S. B. 130 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-9b; relating to prohibiting a school district, a public charter school, the West Virginia Board of Education, the West Virginia Department of Education, or any employee of the aforementioned entities, within the scope of his or her employment, from requiring or otherwise compelling a student, teacher, administrator, or other employee to affirm, adopt, or adhere to certain specified concepts; limiting prohibitions; providing that complaints may be filed pursuant to current state board policy; requiring reports of substantiated complaints to the Legislative Oversight Commission on Education Accountability annually; and allowing the state board to promulgate rules"; which was referred to the Committee on Education then the Judiciary.

A message from the Senate, by

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

S. B. 131 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-15-28, relating to municipal fire departments; providing for municipal fire departments to provide service weapons to municipal fire marshal upon retirement in certain circumstances; and allowing the sale of retired service weapons to active and retired fire marshals"; which was referred to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

A message from the Senate, by

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

S. B. 132 - "A Bill to amend and reenact §61-2-9a of the Code of West Virginia, 1931, as amended, relating to clarifying the criminal offense of harassment; and clarifying that stalking is a form of harassment"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 133 - "A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to adding definition of 'ammunition' for purposes of the live fire requirement for obtaining a license to carry a concealed deadly weapon; and clarifying that marked rounds and training ammunition may be used in the required training course"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 134 - "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, §46A-6O-3, §46A-6O-4, §46A-6O-5, and §46A-6O-6, all relating to automatic purchase renewal offers and continuous service offers; stating legislative intent; defining terms; setting notice and disclosure requirements for automatic purchase renewal offers and continuous service offers; providing that a business may not charge the consumer for an automatic renewal or continuous services without first obtaining the consumer's affirmative consent; providing acknowledgement requirements; providing that a business shall disclose how to cancel the automatic renewal or continuous service before the consumer pays, if the offer includes a free gift or trial; providing that a business shall provide certain mechanisms for cancellation of the automatic renewal or continuous offer in the acknowledgement; requiring a business to provide contact information to the consumer; providing means for terminating the automatic renewal or continuous service offer online; providing notice requirements in the case of material changes in the terms of the automatic renewal or continuous service; providing that a business shall provide to the consumer a reminder of the recurring charge and information on how the consumer may cancel at least 30 days prior to the charge in the case of automatic renewal or continuous service offers of certain frequency; providing a period of application; providing that goods, wares, merchandise, or products shall be deemed an unconditional gift to the consumer when the business sends any goods, wares, merchandise, or products to a consumer without first obtaining the consumer's affirmative consent under a continuous service agreement or automatic renewal of a purchase; providing a civil cause of action; providing statutory penalties; providing that no action may be brought until written notice is provided by the consumer, or his or her representative, to the business; providing written notice requirements; providing mailing requirements; providing the business an opportunity to cure the alleged violation; providing for expiration of the cure offer and cure period; providing a period for the business to remit payment, if any, as specified in the accepted cure offer; providing that a claim may be brought for failure of the business to timely effect the accepted cure offer; providing that the written notice is a jurisdictional prerequisite to bringing a cause of action; prohibiting certification of certain class action litigation; providing the court discretion to award plaintiff costs of the action, including reasonable attorney's fees; providing that plaintiff is not entitled to costs and attorney's fees under certain circumstances; providing a statute of limitations; providing for tolling of the statute of limitations; and providing exemptions"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 135 - "A Bill to amend and reenact §60A-4-416 of the Code of West Virginia, 1931, as amended, relating generally to the Uniform Controlled Substances Act; defining and clarifying the phrases 'engaged in the illegal use of a controlled substance with another person' and 'seek medical assistance'; and establishing criminal penalties"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 136 - "A Bill to amend and reenact §62-12-2 and §62-12-9 of the Code of West Virginia, 1931, as amended, all relating generally to judicial treatment of sex offenses; requiring persons convicted of certain offenses to undergo psychological or psychiatric testing and have a treatment plan to be eligible for probation; and expanding the list of offenses for which a defendant has been convicted which precludes the defendant from residing with minor children or having any contact with the victims"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 137 - "A Bill to amend and reenact §61-2-14a and §61-2-14g of the Code of West Virginia, 1931, as amended, all relating generally to the offenses of kidnapping and unlawful restraint; clarifying the distinct elements of the separate offenses; removing redundant language; and making grammatical corrections"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 138 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §2-1-3, relating to clarifying secondary sources are not the law and public policy of West Virginia in certain instances; and permitting the use of certified questions on issues of first impression in certain circumstances"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 139 - "A Bill to amend and reenact §18-5-4 of the Code of West Virginia, 1931, as amended, relating to requiring each county board of education to ensure that all of its meetings are open to the public through in-person attendance and that the audio and video of its meetings are broadcast live to the public through an internet link on its website; requiring each county board to ensure that the audio and video is recorded and that the recording is also available through a link on its website; allowing meeting to continue if the live broadcast experiences a technical interruption in which the stream is discontinued or digitally interrupted; providing exception for

executive session; allowing each county board to make and enforce reasonable rules for attendance and presentation at any meeting where there is not room enough for all members of the public who wish to attend; requiring the county board, if providing opportunity for the public to address the school board at a meeting, to ensure that any person expressing an interest in speaking has the opportunity in compliance with adopted procedures; requiring that speakers are treated equally; requiring that a draft of the minutes of each public board meeting include a record of the votes cast by each board member on all substantive matters and be posted to the website within two business days; establishing the duration in which the approved minutes shall remain on the website; and removing the option for a county board to join the National School Board Association"; which was referred to the Committee on Education.

A message from the Senate, by

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

S. B. 140 - "A Bill to amend and reenact §61-2-13 of the Code of West Virginia, 1931, as amended, relating to the offenses of extortion and attempted extortion; including threats to publish images of a person's intimate body parts as a means of committing extortion or attempted extortion; defining the phrase 'anything of value, or other consideration'; to include certain defined sexual acts and defining images of intimate body parts; and setting forth criminal penalties"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 141 - "A Bill to amend and reenact §5H-1-2 and §5H-1-3 of the Code of West Virginia, 1931, as amended, all relating to adding Division of Corrections and Rehabilitation employees working at institutions managed by the commissioner to the WV Emergency Responders Survivor Benefits Act; defining the qualifying acts for eligibility for payment of survivor benefits for Division of Corrections and Rehabilitation personnel to include, but not be limited to, training functions, administrative meetings, corrections or parole incidents or activities, interactions with inmates, former inmates, inmates or former inmates' family or associates, parolees, former parolees, former parolees' family or associates, and travel to or from any of these activities; and creating a retroactive effective date of March 14, 2021"; which was referred to the Committee on Jails and Prisons then Finance.

A message from the Senate, by

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

S. B. 142 - "A Bill to amend and reenact §44-2-1 and §44-2-29 of the Code of West Virginia, 1931, as amended; to amend and reenact §44-3A-4a and §44-3A-19 of said code; and to amend and reenact §44-4-9 of said code, all relating to the procedure to settle estates of decedents; abolishing the requirement to publish a short form settlement of estates of decedents; providing for short form filing procedure; and updating language and style"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 143 - “A Bill to amend and reenact §22-15A-3a of the Code of West Virginia, 1931, as amended, relating to the Adopt-A-Stream Program; requiring volunteers 17 years of age or younger be accompanied by an adult; changing streams eligible for participation in program; altering process for selecting stream participation in program; allowing department to approve or deny applications at its discretion; expanding sources of funding to support program; lengthening period of stream participation from one to three years; altering method of collection of stream litter; and requiring one cleanup of the river prior to road signs being erected”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

S. B. 145 - “A Bill to amend and reenact §18-2B-2a of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-9D-19 of said code, all relating to allowing a county board of education participating in the operation of a multicounty vocational center to withdraw; allowing any county board participating in a multicounty vocational center to determine that a career technical education program be part of the local high school; and modifying provisions pertaining to construction of a comprehensive vocational facility by a county board served by a multicounty vocational technical facility”; which was referred to the Committee on Education.

A message from the Senate, by

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

S. B. 146 - “A Bill to amend and reenact §17A-6F-1, §17A-6F-2, §17A-6F-3, §17A-6F-5, §17A-6F-7, and §17A-6F-13 of the Code of West Virginia, 1931, as amended, all relating to the regulation of peer-to-peer car sharing program; modifying scope of regulation of peer-to-peer car sharing program; modifying certain definitions; modifying and eliminating certain provisions governing insurance coverage during car sharing period; modifying provision governing exclusions for vehicle liability insurance; clarifying provision governing exemption for vicarious liability; and inserting stylistic citation in notification requirements imposed on peer-to-peer car sharing programs”; which was referred to the Committee on Banking and Insurance then the Judiciary.

A message from the Senate, by

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

S. B. 147 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §37-6-5a; to amend and reenact §37-6A-5 of said code; and to amend and reenact §55-3A-1 of said code, all relating to residents of recovery residences; creating pilot program for recovery residences located in Cabell County as such residences relate to landlord-tenant law; defining terms; providing that resident of recovery residence may be immediately discharged in certain circumstances; establishing procedures for removing recovery resident; establishing refund process for fees for residency or services paid to recovery residence; requiring return transportation be provided to individual transported to recovery residence from outside State of West Virginia; requiring reporting of certain information to West Virginia Department of Health and Human Resources’ Bureau for Behavioral Health; requiring West Virginia Department of Health and Human Resources’ Bureau for Behavioral Health to prepare and submit written report to Joint Committee on Government and Finance and specifying minimum contents;

clarifying effect on rights under the West Virginia Fair Housing Act; providing sunset date; requiring award of reasonable attorney's fees against recovery residence in certain instances; and requiring recovery residence file petition for summary relief for wrongful occupation of residential rental property in certain circumstances"; which was referred to the Committee on Health and Human Resources then the Judiciary.

A message from the Senate, by

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

S. B. 148 - "A Bill to amend and reenact §7-12-3 of the Code of West Virginia, 1931, as amended, relating to municipalities required to be represented on county authority boards; and providing that only municipalities with 1,000 or more residents are required to be represented on a county authority board"; which was referred to the Committee on Political Subdivisions then the Judiciary.

A message from the Senate, by

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

S. B. 149 - "A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to exempt property from taxation used exclusively for divine worship and the operation of a pre-K school, primary school, middle school, secondary school, daycare center, or church camp for children, which school, daycare center, or church camp is operated by the church which owns the property or is operated by another not-for-profit organization or entity"; which was referred to the Committee on Finance.

Resolutions Introduced

The following resolution was introduced and referred as follows:

By Delegates **Toney, Statler, Vance, Ellington, Cooper, Dittman, Brooks, Shamblin, Foggin, Heckert and Kirby:**

H. C. R. 5 – "Requesting the Joint Committee on Government and Finance study the legislative findings and public-school support plan in relation to §18-9A-1 of this code"; to the Committee on Education then Rules.

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

By Delegate McGeehan:

H. J. R. 15 - " Proposing an amendment to the Constitution of the State of West Virginia amending article X thereof by adding thereto a new section, designated section five-a, relating to taxes and fees; providing that bills imposing a tax or license fee and bills increasing the effective rate of any tax levied or fee imposed may not be enacted unless two thirds of the members of each house, present and voting, vote in the affirmative for passage; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of the proposed amendment"; to the Committee on Finance then the Judiciary.

Bills Introduced

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

By Delegates **McGeehan, C. Pritt, Crouse, Phillips, Ridenour, Shamblin, Kimble, Ross, Coop-Gonzalez, Horst, and Lucas:**

H. B. 2009 - "A Bill to amend and reenact §15-5-2 and §15-5-6 of the Code of West Virginia, 1931, as amended, all relating to the authority and obligations of the Governor and Legislature when in declared states of preparedness and emergency; clarifying the authority and obligations of the Governor during periods of preparedness and emergency; providing requirements for any proclamation or resolution issued relating to a state of preparedness or emergency; defining terms; specifying new criteria for the duration and termination of states of preparedness and emergency; providing for the extension of states of emergency and preparedness by concurrent resolution of the Legislature and specifying the duration of such extensions; providing directives for lawsuits filed challenging actions taken pursuant to the authority granted herein; and updating references to a state agency"; to the Committee on Government Organization.

By Delegates Brooks, Vance, Crouse, E. Pritt, Chiarelli and Willis:

H. B. 2556 - "A Bill to amend and reenact §20-2-27 of the Code of West Virginia, 1931, as amended, all relating to eliminating fees for hunting and fishing licenses for military retirees"; to the Committee on Agriculture and Natural Resources then Finance.

By Delegate Gearheart:

H. B. 2557 - "A Bill to amend and reenact §3-10-4 of the Code of West Virginia, 1931, as amended, relating to filling a vacancy occurring in the House of Representatives in the Congress of the United States"; to the Committee on the Judiciary.

By Delegates Crouse, Kirby, Mallow, Longanacre, Kump, Forsht, Devault, Heckert, Hillenbrand, A. Hall and Worrell:

H. B. 2558 - "A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating to compulsory immunizations; and permitting religious exemptions"; to the Committee on Health and Human Resources.

By Delegates Crouse, Willis, Mallow, Kump, Forsht, Heckert, Mazzocchi, Miller, Hillenbrand, Kirby and Chiarelli:

H. B. 2559 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-22; and to amend said code by adding thereto a new section, designated §16-2-18, all relating to prohibiting mask mandates by the State of West Virginia; and prohibiting local health departments in West Virginia from instituting any type of mandatory mask mandate or face covering requirement"; to the Committee on Health and Human Resources.

By Delegates Crouse, Howell, Longanacre, Honaker, Petitto, Brooks, Maynor, Mallow, Ridenour and Heckert:

H. B. 2560 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-34-1, relating to requiring cameras to be placed in schools in classrooms and all other rooms in which students are present"; to the Committee on Education then Finance.

By Delegates Crouse, Warner, Coop-Gonzalez, Hott, Kelly, Riley, Honaker, Cannon, Petitto, Butler and Longanacre:

H. B. 2561 - "A Bill to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended, relating to clarifying the announcement form and eligibility requirements for becoming a candidate for election to a public office; and establishing a deadline and the procedure by and through which an eligibility challenge to a candidate's qualifications to seek and hold the elected office sought may be brought"; to the Committee on the Judiciary.

By Delegates Longanacre, Crouse, Cooper, Maynor, Petitto and Jennings:

H. B. 2562 - "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article designated §17B-2C-1, §17B-2C-2, §17B-2C-3, §17B-2C-4, §17B-2C-5, and §17B-2C-6, all relating to establishing a special license plate with a medical condition diagnosis for persons with medical conditions affecting speech, mobility, or other motor functions; providing for a short title; providing for obtaining a medical condition designated driver's license, providing for obtaining a medical condition designated license plate; providing for confidentiality of medical records; providing for rule-making authority; and providing for an effective date"; to the Committee on Technology and Infrastructure.

By Delegates Linville, Kelly, Pinson, Honaker, Smith, Phillips, Hott, Steele, Foster and Adkins:

H. B. 2563 - "A Bill to amend and reenact §62-12-13 of the Code of West Virginia, 1931, as amended, relating to making ineligible for parole someone guilty of a crime in which the victim was a police officer in the performance of that officer's duties"; to the Committee on the Judiciary.

By Delegate Linville:

H. B. 2564 - "A Bill to repeal §17C-5A-2 of the Code of West Virginia, 1931, as amended; and to repeal §17C-5C-1, §17C-5C-1a, §17C-5C-2, §17C-5C-3, §17C-5C-4, §17C-5C-4a, §17C-5C-4b, and §17C-5C-5 of said code, relating to repeal of administrative hearing procedures for DUI offenses"; to the Committee on the Judiciary.

By Delegate Linville:

H. B. 2565 - "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto eight new sections, designated as §17A-3-14a, §17A-3-14b, §17A-3-14c, §17A-3-14d, §17A-3-14e, §17A-3-14f, §17A-3-14g and §17A-3-14h, all relating to registration plates in general; authorizing special registration plates; establishing fees; and reorganizing operative code provision for ease of administration"; to the Committee on Technology and Infrastructure.

By Delegates Brooks, Kirby, Crouse, Willis and Chiarelli:

H. B. 2566 - "A Bill to amend and reenact §11-6B-3 of the Code of West Virginia, 1931, as amended, relating to increasing the Homestead Property Tax Exemption from \$20,000 to \$40,000"; to the Committee on Finance.

By Delegates Ross, Linville, Dean, W. Hall and Dillon:

H. B. 2567 - "A Bill to amend and reenact §61-3B-2 of the Code of West Virginia, 1931, as amended, relating to increasing the penalty for unlawful trespass into the home of another from a misdemeanor offense to a felony offense"; to the Committee on the Judiciary.

By Delegates Ross, Dillon, Linville, Cannon, Dean and Bridges:

H. B. 2568 - "A Bill to amend and reenact §7-14D-2 of the Code of West Virginia, 1931, as amended, relating to deputy sheriff retirement benefits"; to the Committee on Pensions and Retirement then Finance.

By Delegates Espinosa, Ridenour, Clark, Ferrell, Steele, Criss, Barnhart, Hardy and Dean:

H. B. 2569 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-19-1, §20-19-2, §20-19-3, §20-19-4, §20-19-5, §20-19-6, and §20-19-7, all relating to establishing the Motorsport Responsibility Act; providing legislative findings; defining terms; setting forth duties of motorsport operators; setting forth duties of motorsport

participants; setting forth the liability of motorsport operators; setting forth the liability of motorsport participants; and providing rule-making authority”; to the Committee on the Judiciary.

By Delegates Gearheart, Crouse, Smith, Clark, Householder, A. Hall, Storch, Cooper, Butler, Ellington and McGeehan:

H. B. 2570 - “A Bill to amend and reenact §17-16A-13 of the Code of West Virginia, 1931, as amended, relating to requiring certain non-discretionary procedures be strictly complied with by the West Virginia Parkways Authority before tolls, rents, fees or charges may be increased”; to the Committee on Government Organization.

By Delegate Gearheart:

H. B. 2571 - “A Bill to amend and reenact §18-5-1 of the Code of West Virginia, 1931, as amended, relating to election of members of county boards of education; providing for two members to be elected as at large members and the remaining three to be elected on the basis of magisterial districts”; to the Committee on the Judiciary.

By Delegates Horst, Jeffries, McGeehan, Phillips, Kirby, Ridenour, Smith, Kimble, Householder, Longanacre and Mazzocchi:

H. B. 2572 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-1H-1, §62-1H-2, §62-1H-3, §62-1H-4, §62-1H-5, and §62-1H-6, all relating to establishing the Protection of Shared Physical and Digital Property from Warrantless Searches Act; providing for legislative findings; providing for definitions; creating conditions for government to search or seize physical or digital property from a third party; defining illegal searches and seizures, and providing for an effective date”; to the Committee on the Judiciary.

By Delegates Horst, Jeffries, C. Pritt, Kimble, Kirby, Foster, Householder, Longanacre, Ridenour, Phillips and Mazzocchi:

H. B. 2573 - “A Bill to repeal §60A-7-701, §60A-7-702, §60A-7-703, §60A-7-704, §60A-7-705, §60A-7-705a, §60A-7-706, §60A-7-707, and §60A-7-708 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §60A-12-1, §60A-12-2, §60A-12-3, §60A-12-4, §60A-12-5, §60A-12-6, §60A-12-7, §60A-12-8, §60A-12-9, §60A-12-10, §60A-12-11, §60A-12-12, §60A-12-13, §60A-12-14, §60A-12-15, §60A-12-16, §60A-12-17, §60A-12-18, §60A-12-19, §60A-12-20, §60A-12-21, §60A-12-22, §60A-12-23, §60A-12-24, §60A-12-25, §60A-12-26, §60A-12-27, §60A-12-28, §60A-12-29, §60A-12-30, §60A-12-31, §60A-12-32, §60A-12-33, §60A-12-34, and §60A-12-35, all relating to the creation of the Criminal Forfeiture Process Act replacing the West Virginia Contraband Forfeiture Act; providing that this article applies to the seizure and forfeiture of property used in and derived directly from the crime involving controlled substances; definitions, procedure; providing that there is no civil forfeiture and that the court with jurisdiction of criminal matter has jurisdiction of the forfeiture procedure; seizure of property, both real and personal; providing that there is no property right to contraband; hearing and appeal; return and disposition of property; restrictions on sales; preemption of local laws; and prohibiting an offer for adoption property, seized under state law, to a federal agency for the purpose of forfeiture under federal law”; to the Committee on the Judiciary.

By Delegates Horst, Householder, Longanacre, Foster, Hardy, Phillips, Worrell, Mazzocchi, Ridenour, Thorne and Smith:

H. B. 2574 - “A Bill to amend and reenact §20-1-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-7-4 of said code, all relating to warrantless entry of private lands; setting forth limitations of entry onto private lands; clarifying the process for law enforcement entry onto posted private lands; and clarifying the use of surveillance cameras on or

near posted private lands”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Nestor, Horst, Hanna, Longanacre, Martin, Hott, Barnhart, Kump, Phillips, Gearheart and Honaker:

H. B. 2575 - “A Bill to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating to expanding recreational benefits to West Virginia landowners”; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegates Linville, Howell, Foster, Steele, Cannon, Householder, Longanacre, Adkins, Chiarelli and Phillips:

H. B. 2576 - “A Bill to amend and reenact §8-13-13 of the Code of West Virginia, 1931, as amended, relating to making the practice of assessing a municipality user fee when the employee was not working in that municipality unlawful”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Linville, Cannon, Householder, Criss, W. Hall, Chiarelli and Phillips:

H. B. 2577 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-3-21, relating to establishing the revocation of authority for spending by an agency in support of a challenge to West Virginia law”; to the Committee on the Judiciary.

By Delegates Longanacre, Fehrenbacher, Heckert, Forsht, Tully, Sheedy and Brooks:

H. B. 2578 - “A Bill to amend and reenact §15A-11-9 of the Code of West Virginia, 1931, as amended, relating to the Rural Area Fire Department Volunteer Incentive Act of 2023, requiring the State Fire Commission to review and revise certain rules for training of rural area volunteer fire firefighters and certification of rural area volunteer fire departments; removing provision for a pilot program to implement proposed changes to such requirements; and requiring the State Fire Commission to consider separate standards to fit the character and level of development of a rural area volunteer fire department”; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

By Delegates Longanacre, Crouse, Dean, Nestor, Forsht, Heckert and Brooks:

H. B. 2579 - “A Bill to amend and reenact §3-1-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-4A-11a of said code; to amend and reenact §3-5-4, §3-5-13, and §3-5-13a of said code; to amend said code by adding thereto a new section, designated §3-5-5; to amend and reenact §6-5-1 of said code; and to amend and reenact §18-4-1 of said code, all relating generally to the nonpartisan election of county superintendents of schools; providing general provisions for such election; specifying the arrangement of the ballot to include such officers; providing for the placement of such persons on a primary election ballot; prescribing the manner of election of such persons; providing for the form and content of ballots; providing for the order of offices and candidates on ballots; specifying the term of office for county superintendents of schools; clarifying and enumerating relevant points concerning the election of county superintendents of schools; providing for the filling of vacancies in such office by temporary appointment; and providing for elections to fill such vacancies”; to the Committee on Education then the Judiciary.

By Delegates Longanacre, Forsht, Ridenour and Brooks:

H. B. 2580 - “A Bill to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, relating to clarifying that K-12 students must exhibit satisfactory academic progress on the comprehensive statewide student assessment before they can advance to the next grade level”; to the Committee on Education.

By Delegate Longanacre:

H. B. 2581 - "A Bill to amend and reenact §11-15-18b of the Code of West Virginia, 1931, as amended, relating to reducing the flat tax on motor fuel by 50%"; to the Committee on Technology and Infrastructure then Finance.

By Delegates Longanacre and Brooks:

H. B. 2582 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-3-7, relating to limiting the amount of money provided to individuals who do not attempt to obtain an education or seek employment or open a business within two years of first receiving benefits; listing exceptions"; to the Committee on Workforce Development then Finance.

By Delegates Longanacre, Nestor, Ridenour, Hornby, Heckert, Tully, Hott, Brooks, Sheedy, Miller and Jennings:

H. B. 2583 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31-18C-20, all relating to establishing a Veteran's Welcome Home grant to assist military service members and honorably discharged veterans with relocation costs; establishing eligibility for grant; establishing how grant amount be determined; and providing rulemaking authority"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

By Delegates Smith, Barnhart, Cooper, Kimble, Longanacre, Honaker, Ridenour, Hardy, Mallow, Steele and McGeehan:

H. B. 2584 - "A Bill to amend and reenact §11-6B-2 and §11-6B-4 of the Code of West Virginia, 1931, as amended, all relating to taxation; homestead property tax and exemption; and allowing the exemption for the owner or partial owner who is a veteran of the United States military and has been determined by the United States Department of Veterans Affairs or its successor to have a 100 percent service connected disability"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

By Delegates Smith, Cooper, Clark, Longanacre, Zatezalo, Linville, Espinosa, Riley, Ellington, Storch and Ferrell:

H. B. 2585 - "A Bill to amend and reenact §11-8-16, and §11-8-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §13-1-7 of said code, all relating to authorizing a special election for presenting the question of a special levy renewal for levies expiring prior to the primary election scheduled for May 14, 2024; and authorizing the resubmission of questions to the voters at a regularly scheduled primary or general election for certain levy questions rejected at a prior election"; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Smith:

H. B. 2586 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-6B-13, relating to establishing a \$30,000 homestead exemption for taxpayers with a household income at or below U.S. Department of Health & Human Services Poverty Guidelines"; to the Committee on Finance.

By Delegates Smith, Barnhart, Howell, Dean, Hardy, Linville, Clark, Steele, Householder, McGeehan and Foster:

H. B. 2587 - "A Bill to amend and reenact §11A-1-12 of the Code of West Virginia, 1931, as amended, relating to the accrual and collection of taxes; what information a receipt for taxes from sheriff shall contain; and how the information may be provided to the taxpayer"; to the Committee on the Judiciary.

By Delegates Summers, Espinosa, Householder, Martin, Gearheart, Crouse, Tully, Fehrenbacher, Linville and Hardy:

H. B. 2588 - "A Bill to amend and reenact §21A-2D-1, §21A-2D-2, and §21A-2D-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §21A-2D-2A; to amend said code by adding thereto a new article, designated §21A-3-1, §21A-3-2, and §21A-3-3; and to amend and reenact §21A-6-10 of said code, all relating to unemployment benefits program; adding definition of 'state average unemployment rate' and making technical changes to definitions; increasing requirements to verify claim program integrity; providing for automatic eligibility review in certain circumstances; redesignating code sections; establishing formula to correlate duration of benefits to unemployment rate; providing for rulemaking; setting effective date; and reducing period of maximum duration of benefits"; to the Committee on Finance.

By Delegates Summers, Espinosa, Householder, Martin, Gearheart, Crouse, Westfall, Tully, Fehrenbacher, Linville and Hardy:

H. B. 2589 - "A Bill to amend and reenact §21A-6-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §21A-6-1d, all relating to eligibility for unemployment benefits; requiring work search activities to qualify for unemployment benefits; defining what constitutes work search activities; mandating submittal of proof of work search activities; providing for verification of work search activities; granting commissioner of Workforce West Virginia discretion in verification of work search activities; mandating establishment of process to refer individuals seeking unemployment benefits to job opportunities; requiring individuals receiving referrals to suitable work to apply for and accept that work; mandating employers to report refusal of offer of employment to commissioner; allowing individuals who accept part-time non-suitable employment to receive unemployment benefits without reduction for wages under certain circumstances; making certain individuals applying for or receiving unemployment benefits exempt from work search requirements; establishing process for notification of work search activity requirements; requiring rulemaking; and setting effective date"; to the Committee on the Judiciary.

By Delegates Crouse, Kimble, Longanacre, Smith, Honaker, Butler, Coop-Gonzalez and Brooks:

H. B. 2590 - "A Bill to amend and reenact §17C-15-44 of the Code of West Virginia, 1931, as amended, relating to motorcycle safety equipment; and removing the helmet requirement"; to the Committee on Banking and Insurance then the Judiciary.

Special Calendar

First Reading

The following bill on first reading, coming up in regular order, was read a first time and ordered to second reading:

Com. Sub. for H. B. 2526, Relating to reducing the personal income tax.

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. 2036: Delegates Fast, Horst, Jeffries, Mazzocchi, McGeehan, C. Phillips, Pritt, Ridenour, Steele and Worrell;

H. B. 2040: Delegate Brooks;

H. B. 2041: Delegate Hillenbrand;

H. B. 2045: Delegate Hillenbrand;

H. B. 2052: Delegate Brooks;

H. B. 2061: Delegate Brooks;

H. B. 2067: Delegates Dillon and Hillenbrand;

H. B. 2069: Delegate Brooks;

H. B. 2074: Delegates Brooks and Hillenbrand;

H. B. 2104: Delegate Hillenbrand;

H. B. 2191: Delegate Steele;

H. B. 2193: Delegate Steele;

H. B. 2216: Delegate Steele;

H. B. 2217: Delegates Butler, Honaker, Horst, Longanacre, Lucas, Maynor, Mazzocchi, Pinson, C. Pritt and Steele;

H. B. 2234: Delegate Steele;

H. B. 2245: Delegate Steele;

H. B. 2366: Delegate Steele;

H. B. 2367: Delegate Steele;

H. B. 2386: Delegate Steele;

H. B. 2412: Delegates Adkins, Anderson, Griffith, Linville, Lucas, Rohrbach and Worrell;

H. B. 2428: Delegate Espinosa;

H. B. 2432: Delegate Hillenbrand;

H. B. 2471: Delegate Steele;

H. B. 2474: Delegate Steele;

H. B. 2475: Delegate Steele;

H. B. 2478: Delegate Steele;

H. B. 2492: Delegate Steele;

H. B. 2496: Delegate Steele;

H. B. 2530: Delegate Steele;

H. B. 2545: Delegate Steele;

And,

H. B. 2555: Delegate Steele.

At 11:24 a.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, January 17, 2023.

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

SPECIAL CALENDAR

Tuesday, January 17, 2023

7th Day

11:00 A. M.

SECOND READING

Com. Sub. for H. B. 2526 - Relating to reducing the personal income tax (CRISS) (EFFECTIVE FROM PASSAGE)

FIRST READING

H. B. 2017 - Relating to service of process in child abuse cases (SUMMERS) (EFFECTIVE FROM PASSAGE)

Com. Sub. for H. B. 2018 - Permitting the managed care case coordinator to attend the multidisciplinary team meeting (SUMMERS) (EFFECTIVE FROM PASSAGE)

H. B. 2029 - Repealing the creation of an all-payor claims database (SUMMERS) (EFFECTIVE FROM PASSAGE)

H. B. 2506 - Creating a title clearinghouse for non-resident businesses (LINVILLE) (REGULAR)

HOUSE CALENDAR

Tuesday, January 17, 2023

7th Day

11:00 A. M.

(No Bills)

**WEST VIRGINIA
HOUSE OF DELEGATES**

TUESDAY, JANUARY 17, 2023

HOUSE CONVENES AT 11:00 A.M.

**AGRICULTURE AND NATURAL RESOURCES
9:00 A.M. – ROOM 215-E**

**BANKING AND INSURANCE
9:00 A.M. – ROOM 410-M**

**PENSIONS AND RETIREMENT
10:00 A.M. – ROOM 460-M**

**TECHNOLOGY AND INFRASTRUCTURE
1:00 P.M. – ROOM 432-M**

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

**ECONOMIC DEVELOPMENT AND TOURISM
2:00 P.M. – ROOM 460-M**

**HEALTH AND HUMAN RESOURCES
3:00 P.M. – ROOM 215-E**

HOUSE OF DELEGATES
STEPHEN J. HARRISON, Clerk
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