

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



January 18, 2023
EIGHTH DAY

Wednesday, January 18, 2023

EIGHTH 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 Tuesday, January 17, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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. 2006, Relating to reorganizing the Department of Health and Human Resources,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2006) was referred to the Committee on Finance.

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

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

H. B. 2050, West Virginia Economic Diversification Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2050) was referred to the Committee on Finance.

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

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

H. B. 2169, Provide valuation limitations to the Tax Commissioner for coal properties and to clarify the penalty for non-filers,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2169) was referred to the Committee on Finance.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 2222, Prohibiting driving slow in left lane except under certain circumstances,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2222) was referred to the Committee on the Judiciary.

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. 2533, Relating to a permanent windshield placard to be valid for the duration of the applicant's life,

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

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. 2530, Relating to the extension of the expiration of temporary registration plates from sixty days to ninety days,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2530 – “A Bill to amend and reenact §17A-6-15 of the Code of West Virginia, 1931, as amended; to amend and reenact §17A-6B-10 of said code; and to amend and reenact §17A-6C-11, all relating to the extension of the expiration of temporary registration plates from sixty days to ninety days,”

With the recommendation that the committee substitute do pass.

Resolutions Introduced

The following resolution was introduced and referred as follows:

By Delegate Holstein:

H. C. R. 6 – “Proclaiming and making the fiddle the official musical instrument of the State of West Virginia”; to the Committee on Rules.

Bills Introduced

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

By Delegates Hardy, Householder, Willis, Foggin, Hornby, Chiarelli, Warner and Horst:

H. B. 2750 - "A Bill to amend and reenact §5B-2-4a of the Code of West Virginia, as amended, relating to the state allocation of funding to regional councils; and eliminating the maximum state allocation allowed to each eligible regional council"; to the Committee on Economic Development and Tourism.

By Delegate Foster:

H. B. 2751 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31E-17-1, §31E-17-2, §31E-17-3, §31E-17-4, §31E-17-5, §31E-17-6 and §31E-17-7, all relating to creating the West Virginia Volunteer Immunity and Charitable Organization Liability Limit Act; providing a short title and declaration of intent; including definitions; providing for volunteer immunity from civil liability in certain circumstances; addressing limitations on organization liability; addressing exclusions and severability"; to the Committee on the Judiciary.

By Delegates Dillon, Steele, Ross and Foster:

H. B. 2752 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section article, designated §31E-17-1701, §31E-17-1702, and §31E-17-1703, relating to creating the 'Non-Profit Transparency and Accountability Act,' naming the act, putting forth legislative findings, requiring that all nonprofit organizations that receive any part of their total operating funds from public sources, whether state or federal, shall be subject to Freedom of Information Act requests and bear the responsibility to respond to these requests under the same requirements as a public body"; to the Committee on the Judiciary.

By Delegate Steele:

H. B. 2753 - "A Bill to amend and reenact §17C-1-70 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-11-8 of said code, all relating to modifying e-bike regulations to more closely comport to federal law; creating new definitions of e-bikes in West Virginia; permitting Class 2 e-bikes to use throttles; allowing e-bikes to be operated on public lands so as to increase their usage and accessibility; and stating that e-bike users will not be given special privileges not otherwise given to similarly situated riders"; to the Committee on Economic Development and Tourism then the Judiciary.

By Delegates Summers, Tully, Forsht, Heckert, Petitto and Jeffries:

H. B. 2754 - "A Bill to amend and reenact §30-5-7 of the Code of West Virginia, 1931, as amended, relating to immunizations performed in a pharmacy; permitting a pharmacy technician to perform an immunization; and reducing the age of a recipient"; to the Committee on Health and Human Resources.

By Delegate Foster:

H. B. 2755 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-22-1, §55-22-2, §55-22-3, and §55-22-4, all relating to creating the Alternative Dispute Resolution Act; providing parties to a lawsuit with choices for resolving their dispute that save time and money, when compared to formal court proceedings, by encouraging alternative dispute resolution (ADR) procedures – limited discovery, confidential proceedings, and nonjudicial assistance in evaluating the parties' claims"; to the Committee on the Judiciary.

By Delegates Summers, Tully, Forsht, Heckert, Petitto and Cannon:

H. B. 2756 - "A Bill to amend and reenact §16A-8-1 of the Code of West Virginia, 1931, as amended, relating to the controlled substance monitoring database; and adding the reporting of medical marijuana to the database"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Summers, Forsht, Miller, Reynolds, Sheedy, Heckert, Petitto, Jeffries and Cannon:

H. B. 2757 - "A Bill to amend and reenact §18C-9-3 of the Code of West Virginia, as amended, 1931, relating to amending eligibility for the West Virginia Invest program, providing that a not-for-profit hospital based allied health program is eligible for the West Virginia Invest Program"; to the Committee on Health and Human Resources.

By Delegates Tully, Shamblin, Forsht, Miller, Heckert and Petitto:

H. B. 2758 - "A Bill to amend and reenact §16-5C-5 of the Code of West Virginia, 1931, as amended, relating to updating the minimum standards for nursing homes"; to the Committee on Health and Human Resources.

By Delegates Summers, Tully, Forsht, Miller, Heckert and Petitto:

H. B. 2759 - "A Bill to amend and reenact §11-27-39 of the Code of West Virginia, 1931, as amended, relating to updating the health care provider tax"; to the Committee on Health and Human Resources then Finance.

By Delegates Ross, Dillon, Burkhammer and A. Hall:

H. B. 2760 - "A Bill to amend and reenact §17C-1-6 of the Code of West Virginia, 1931, as amended, relating to permitting firefighters to drive ambulances when both attendants are needed to administer patient care"; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

By Delegates Ross and Dillon:

H. B. 2761 - "A Bill to amend and reenact §18A-2-2 of the Code of West Virginia, 1931, as amended, relating to authorizing county boards to employ eligible classroom aides as classroom teachers when certain conditions are met"; to the Committee on Education.

By Delegates Nestor, Horst, Clark, Hanna, Longanacre, Martin, Hott, Riley, Honaker, Vance and Statler:

H. B. 2762 - "A Bill to amend and reenact §15A-11-5 of the Code of West Virginia, 1931, as amended, relating to requiring the State Fire Commission to propose rules relating to sprinkler protection, providing that buildings commencing construction after July 1, 2023, housing emergency fire, rescue, or ambulance services shall be protected throughout by approved automatic sprinkler systems; and exempting emergency services buildings meeting certain criteria that only house equipment and do not have sleeping areas or quarters within them from the requirement"; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

By Delegates Steele, Burkhammer, Foster, Smith, Mazzocchi and Butler:

H. B. 2763 - "A Bill to amend and reenact §61-2-1 of the Code of West Virginia, 1931, as amended, relating to crimes against the person and updating the definition of murder in the first degree when the intended victim is engaged in the course of performing his or her official duties as a law enforcement officer or employee in designated classifications of law enforcement employees; whether federal or state; including specifically identified intended victims who are

employees engaged in the course of performing his or her official duties as employees of the Division of Juvenile services; including specifically identified intended victims who are employees engaged in the course of performing his or her official duties and defined as employees as first responders; including specifically identified intended victims who are employees engaged in the course of performing his or her official duties as employees of a state correctional facility, federal correctional facility, regional jail, county operated jail or holding facility or other such facilities; including when the intended victim is actively engaged in the course of performing his or her official duties as a Justice of the West Virginia Supreme Court of Appeals, Judge with the West Virginia Intermediate Court of Appeals, Circuit Judge, Family Court Judge, or Magistrate; or when the intended victim is actively engaged in the course of performing his or her official duties as a Child Protective Services worker employed by the West Virginia Department of Health and Human Resources, or individuals employed or contracted to provide social services for the West Virginia Department of Health and Human Resources”; to the Committee on the Judiciary.

By Delegates Steele and Smith:

H. B. 2764 - “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 Attorney General, Auditor, Secretary of State, Commissioner of Agriculture, and State Treasurer”; to the Committee on Finance.

By Delegates Steele, Burkhammer, Foster, Smith, Holstein, Mazzocchi and Butler:

H. B. 2765 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-15-19; to amend said code by adding thereto a new section, designated §8-15-28; and to amend said code by adding thereto a new section, designated §16-4C-25, all relating to authorizing certain first responders to carry firearms; authorizing supervising entities to authorize ambulance crew members, firefighters, rescue squad members and emergency service personnel to carry firearms; specifying the training required for such persons to be eligible to carry a firearm; and allowing for reimbursement for the cost of the training”; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

By Delegates Steele, Burkhammer, Foster, Smith, Holstein, Mazzocchi and Butler:

H. B. 2766 - “A Bill to amend and reenact §15A-4-17 of the Code of West Virginia, 1931, as amended, relating to corrections management and the deduction from a sentence of incarceration for good conduct; providing that an inmate sentenced to a life sentence, certain offenses relating to crimes against the person, sexual offenses, child abuse, or human trafficking is not eligible for good time; requiring that all persons not eligible for good time have one year of mandatory post-release supervision following the first instance in which the inmate reaches his or her calculated discharge date; and providing that all inmates so released are subject to electronic or GPS monitoring for the entire period of supervision”; to the Committee on Jails and Prisons then the Judiciary.

By Delegates Steele, Foster and Smith:

H. B. 2767 - “A Bill to amend and reenact §6-7-2 of the Code of West Virginia, 1931, as amended, relating to providing a housing allowance of \$2,000 per month for designated state constitutional officers to assist in residing in the seat of state government”; to the Committee on Finance.

By Delegates Steele, Foster, Smith, Holstein and Mazzocchi:

H. B. 2768 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-27, relating to requiring all Chapter 30 boards and state entities

to utilize '.gov' website domains and e-mail addresses in order to clearly identify such entities and boards as official government entities"; to the Committee on Government Organization.

By Delegates Foster, Riley, Smith, Butler, Jennings, Espinosa, Hanna, Householder, Burkhammer, Chiarelli and Summers:

H. B. 2769 - "A Bill to amend and reenact §16-34-2 and §16-34-3 of the Code of West Virginia, 1931, as amended; to repeal §16-34-4 of said code; and to amend and reenact §16-34-5, §16-34-6, §16-34-7, §16-34-8, §16-34-10, §16-34-12, and §16-34-13 of said code, all relating to removing the licensure requirement for radon mitigation contractors, radon mitigation specialists, and radon testers"; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2770 - "A Bill to amend and reenact §30-18-2 of the Code of West Virginia, 1931, as amended, all relating to the eligibility and application requirements for private investigator and security guard licensure"; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2771 - "A Bill to amend and reenact §21-1D-2 of the Code of West Virginia, 1931, as amended, relating to removing marijuana as a tested substance from the screening requirements of the West Virginia Alcohol and Drug-Free Workplace Act"; to the Committee on Workforce Development then the Judiciary.

By Delegate Foster:

H. B. 2772 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-10R-1, §18-10R-2, §18-10R-3, §18-10R-4, §18-10R-5, §18-10R-6, §18-10R-7, §18-10R-8, §18-10R-9, §18-10R-10, §18-10R-11, §18-10R-12, §18-10R-13, §18-10R-14, §18-10R-15, §18-10R-16, and §18-10R-17, all relating to creating a Statewide Online Education Program to enable eligible students to earn high school graduation credit through the completion of publicly funded online courses"; to the Committee on Education.

By Delegate Foster:

H. B. 2773 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-34-1 and §18-34-2, all relating to creating the Education Tax Credit, against taxes actually owed, for qualifying expenses of parents or guardians of children in grade levels K through 12"; to the Committee on Education then Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 2774 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9A-7-1, §9A-7-2, §9A-7-3, §9A-7-4, §9A-7-5, §9A-7-6, §9A-7-7, and §9A-7-8, all relating to establishing a pilot program to provide grants to veterans who relocate to West Virginia to reside and work; creating the program; defining terms; creating the Welcome Home Grant Program Fund; specifying distribution of grant awards; requiring management and implementation by the Department of Veteran's Affairs; requiring annual reporting; and specifying a date for the termination of the pilot program unless extended by the Legislature"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 2775 - "A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-4-2 of said code; and to amend and reenact §18A-4-

8a of said code, all relating to increasing annual salaries of certain employees of the state; increasing the salaries of members of the West Virginia State Police and certain personnel thereof; increasing annual salaries of public school teachers; increasing annual salaries of school service personnel; and providing an effective date”; to the Committee on Finance.

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

H. B. 2776 - “A Bill to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act; and specifying effective dates”; to the Committee on Finance.

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

H. B. 2777 - “A Bill to amend and reenact §11-24-3 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act; and specifying effective dates”; to the Committee on Finance.

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

H. B. 2778 - “A Bill to amend and reenact §18-5-27 of the Code of West Virginia, 1931, as amended, relating to a school’s requirement to publish curriculum online at the beginning of each new school year, or within 30 days after curriculum is revised or new curriculum is adopted; requiring schools to publish adopted, up-to-date classroom curriculum”; to the Committee on Education.

By Delegates Street, Foster, Burkhammer, Willis, Chiarelli, Honaker and Hornby:

H. B. 2779 - “A Bill to amend and reenact §21A-6-3 of the Code of West Virginia, 1931, as amended, relating to unemployment compensation; employee eligibility; and providing that a person who fails a random testing for alcohol or illegal controlled substances for employees in safety-sensitive positions is disqualified for benefits”; to the Committee on Workforce Development then the Judiciary.

By Delegate Foster:

H. B. 2780 - “A Bill to repeal §8-13-6 of the Code of West Virginia, 1931, as amended, relating to the repeal of the municipal amusement tax”; to the Committee on Finance.

By Delegate Dillon:

H. B. 2781 - “A Bill to amend and reenact §17-2A-8 of the Code of West Virginia, 1931, as amended, relating to requiring the Commissioner of Highways to prepare and present, annually, to the Legislature a comprehensive highway paving plan establishing routine repaving of all normally asphalt-surfaced roads”; to the Committee on Technology and Infrastructure.

By Delegates Chiarelli, Foster, Kirby, Willis, Brooks, Keaton, Hanna, Hardy, Hornby, C. Pritt and McGeehan:

H. B. 2782 - “A Bill to amend and reenact §3-1-31 of the Code of West Virginia, 1931, as amended, relating to requiring that municipal elections be held concurrently with regularly scheduled primary or general elections”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Chiarelli, Foster, Kirby and Brooks:

H. B. 2783 - "A Bill to amend and reenact §19-34-5 of the Code of West Virginia, 1931, as amended, relating to exempting primates from the Dangerous Wild Animal Board's list of animals to be classified as dangerous wild animals"; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegate Dillon:

H. B. 2784 - "A Bill to amend and reenact §7-4-1 and §7-4-6 of the Code of West Virginia, 1931, as amended, all relating to the mandatory duty of prosecuting attorneys to prosecute persons accused of committing criminal acts; duty to create file on cases not prosecuted; and when the county commission, in cooperation with the West Virginia prosecuting attorneys Institute, shall select and appoint a special prosecuting attorney"; to the Committee on the Judiciary.

By Delegates Walker and Hansen:

H. B. 2785 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-30, relating to reimbursing individuals for healthcare costs at a facility who no longer accepts PEIA"; to the Committee on Health and Human Resources then Finance.

By Delegates Dillon, Pinson, Ross, Chiarelli and Holstein:

H. B. 2786 - "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, and §4-16-3, all relating to the creation of the Objective Reality in Government Act; providing for a short title; providing for legislative findings; and providing for the establishment of the act"; to the Committee on Government Organization then the Judiciary.

By Delegate Dillon:

H. B. 2787 - "A Bill to amend and reenact §19-14-2 and §19-14-5 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia commercial feed law; providing that a person engaged in selling products or commodities produced exclusively on their own farm is not a distributor and is exempt from obtaining a Commercial Feed Distributor Permit"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Dillon and Ross:

H. B. 2788 - "A Bill to repeal §17C-16-1, §17C-16-2, §17C-16-3, §17C-16-4, §17C-16-5, §17C-16-6, §17C-16-7, §17C-16-8, and §17C-16-9 of the Code of West Virginia, 1931, as amended, relating to the elimination of mandatory state inspections of motor vehicles"; to the Committee on Technology and Infrastructure then Finance.

By Delegates Crouse, Espinosa, McGeehan, Mallow, Longanacre, Kump, Forsht, Heckert, Worrell, Kirby and Tully:

H. B. 2789 - "A Bill to amend and reenact §16-2D-8, §16-2D-10, and §16-2D-11 of the Code of West Virginia, 1931, as amended, all relating to certificate of need; providing which health services require a certificate of need; and exempting certain health services from certificate of need"; to the Committee on Health and Human Resources.

By Delegates Dillon, Foster, Ross, Burkhammer, Chiarelli, Gearheart, Longanacre and Holstein:

H. B. 2790 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-1-8e, relating to the West Virginia Historical Monument

Preservation and Restoration Act of 2023; prohibiting the relocation, removal, alteration, renaming, rededication, or other disturbance of any statue, monument, memorial, nameplate, or plaque which is located on public property and has been erected for, or named, or dedicated in honor of certain historical military, civil rights, natural disasters or accidents, and Native American events, figures, and organizations; prohibiting any person from preventing the governmental entity having responsibility for maintaining the items, structures, or areas from taking proper measures to protect, preserve, care for, repair, or restore the items, structures, or areas; and authorizing the West Virginia State Historic Preservation Office to grant waivers under certain circumstances”; to the Committee on Government Organization.

By Delegate Maynor:

H. B. 2791 - “A Bill to amend and reenact §7-12-3 of the Code of West Virginia, 1931, as amended, relating to changing the manner of appointing members to county authorities; and allowing appointments of members from contiguous counties”; to the Committee on Political Subdivisions then Government Organization.

By Delegates Maynor, Kump, Kirby, Brooks and Willis:

H. B. 2792 - “A Bill to amend and reenact §3-5-6, §3-5-6a, §3-5-6b, §3-5-6c, §3-5-6d, and §3-5-6e of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-10-3 of said code, all relating to providing for a runoff election in certain nonpartisan elections where no candidate receives more than 50 percent of the votes cast in an election”; to the Committee on the Judiciary.

By Delegates Kelly, Phillips, Steele, Garcia, Foster, Honaker, Nestor, Ridenour, Shamblin, Westfall and Mallow:

H. B. 2793 - “A Bill to amend and reenact §27-5-2 of the Code of West Virginia, 1931, as amended, relating to mentally ill persons; clarifying the process for involuntary hospitalization of an inmate; specifying certain grounds upon which an application for involuntary hospitalization may not be summarily denied; and making technical corrections”; to the Committee on Jails and Prisons then the Judiciary.

By Delegate Holstein:

H. B. 2794 - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to permitting the creation of a special license plate for 100% disabled veterans”; to the Committee on Technology and Infrastructure.

By Delegate Holstein:

H. B. 2795 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-31, relating to crimes against the person; the definition of libel; liability; exceptions; criminal proceedings; and criminal penalties”; to the Committee on the Judiciary.

By Delegates Holstein, Foster, Mazzocchi, Linville, Horst, Cannon and Steele:

H. B. 2796 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9v relating to exempting daylight fluorescent orange outer garments from sales tax”; to the Committee on Finance.

By Delegates Statler and Foster:

H. B. 2797 - “A Bill to amend and reenact §18-31-7 of the Code of West Virginia, 1931, as amended, relating to the Hope Scholarship Program; and providing that microschoool tuition and fees are qualifying expenses for Hope Scholarship accounts”; to the Committee on Education.

By Delegates Holstein, Mazzocchi, Adkins, Dean, Steele, Toney, Ross, Vance and Dillon:

H. B. 2798 - "A Bill to amend and reenact §23-4-15 of the Code of West Virginia, 1931, as amended, relating to clarifying that the time limitations provided for filing occupational pneumoconiosis claims do not apply or otherwise limit the ability of a claimant to obtain an evaluation from the Occupational Pneumoconiosis Board"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Howell:

H. B. 2799 - "A Bill to amend and reenact §61-3-24 of the Code of West Virginia, 1931, as amended, to impose criminal liability and penalties upon purchasers of goods for delivery who refuse to return rejected goods to the vendor after the purchaser has had their purchase money reimbursed"; to the Committee on the Judiciary.

By Delegate Ellington:

H. B. 2800 - "A Bill to amend and reenact §18B-17-2 and §18B-17-3 of the Code of West Virginia, 1931, as amended, all relating to authorizing legislative rules regarding higher education; authorizing legislative rules for the Higher Education Policy Commission regarding Performance-Based Funding Formula, Capital Project Management, Tuition and Fee Policy, Higher Education Grant Program, Annual Reauthorization of Degree-Granting Institutions, and Human Resources Administration; and authorizing legislative rules for the Council for Community and Technical College Education regarding Performance-Based Funding Formula, Capital Project Management, Workforce Development Initiative Grant Programs, Annual Reauthorization of Degree-Granting Institutions, and Human Resources Administration"; to the Committee on Education.

By Delegate Young:

H. B. 2801 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-21-1, relating to prohibiting an institution of higher education from requiring a current or prospective student, or current or prospective employee, to disclose their username or password for social media accounts or to require such person to change their social media privacy settings, or add an employee or volunteer of the institution of higher education; and prohibiting an institution of higher education from taking action against such current or prospective student, or current or prospective employee, such as threatening to discharge, discipline, prohibit from participating in curricular or extracurricular activities, or otherwise penalize a current student for asserting their right under this article"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Young:

H. B. 2802 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-1-12, relating to providing tuition fees at an institution of higher education for certain persons, who are not yet residents, at the rate for residents of the state; and providing requirements to be met by these persons before qualified for resident tuition rates, based upon employment by a business or organization that is established in this state as part of a program under the Economic Development Act of 1985"; to the Committee on Education then Finance.

By Delegate Young:

H. B. 2803 - "A Bill to amend and reenact §3-2-2 of the Code of West Virginia, 1931, as amended, relating to eligibility of voters; removing the prohibition voter registration for persons convicted of certain felonies who have fully served their sentence; requiring the Division of Corrections to notify persons of their renewed eligibility to vote upon release; and requiring the

Division of Probation to notify persons of their renewed voter eligibility upon discharge”; to the Committee on the Judiciary.

Special Calendar

Third Reading

Com. Sub. for H. B. 2526, Relating to reducing the personal income tax on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

Delegates Rowe, Skaff, Fluharty, Griffith, Walker, Hansen, Williams, Young, E. Pritt, Pushkin, Garcia and Hornbuckle moved to amend the bill on pages one through 5, following the enacting clause, by striking out the provisions of §11-21-4g, §11-21-4h and §11-21-4i from the bill, and inserting in lieu thereof, the following:

“§11-21-4g Rate of tax — Taxable years beginning on and after January 1, 2023.

(a) Rate of tax on individuals (except married individuals filing separate returns), individuals filing joint returns, heads of households, and estates and trusts. — The tax imposed by §11-21-3 of this 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 this article; 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:

Over \$80,000

\$6.5% for all income over \$80,000.

(b) Rate of tax on married individuals filing separate returns. — In the case of husband and wife filing separate returns under this article for the taxable year, the tax imposed by §11-21-3 of this 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:

Over \$40,000

\$6.5% of excess over \$40,000

(c) Applicability of this section. — The provisions of this section shall be applicable in determining the rates of tax imposed by this article and shall apply retroactively for all taxable years beginning on and after January 1, 2023 and shall be in lieu of the rates of tax specified in §11-21-4e of this code.”

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. 6**), and there were—yeas 11, nays 86, absent and not voting 3, with the yeas and the absent and not voting being as follows:

Yeas: Fluharty, Garcia, Griffith, Hansen, Hornbuckle, E. Pritt, Pushkin, Rowe, Skaff, Williams and Young.

Absent and Not Voting: Espinosa, Walker and Ward.

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

Delegate Espinosa, who was absent on Roll No. 6, noted to the Clerk that he would have voted “Nay” thereon.

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. 7**), and there were—yeas 95, nays 2, absent and not voting 3, with the yeas and the absent and not voting being as follows:

Nays: Hansen and Williams.

Absent and Not Voting: Espinosa, Walker and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2526) passed.

Delegate Espinosa, who was absent on Roll No. 7, noted to the Clerk that he would have voted “Yea” thereon.

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

On this question, the yeas and nays were taken (**Roll No. 8**), and there were—yeas 94, nays 2, absent and not voting 4, with the yeas and the absent and not voting being as follows:

Nays: Hansen and Williams.

Absent and Not Voting: Espinosa, Longanacre, Walker and Ward.

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. 2526) 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.

Second Reading

S. B. 161, Authorizing DNR to manage and dispose of property; on second reading, coming up in regular order, was read a second time.

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

S. B. 162, Authorizing director of DNR to lease state-owned pore spaces in certain areas for carbon sequestration; on second reading, coming up in regular order, was read a second time.

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

H. B. 2017, Relating to service of process in child abuse cases; 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. 2018, Permitting the managed care case coordinator to attend the multidisciplinary team meeting; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2029, Repealing the creation of an all-payor claims database; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2506, Creating a title clearinghouse for non-resident businesses; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

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. 2412, Declaring November 14 every year, a special Memorial Day in remembrance of the Marshall University airplane crash.

Leaves of Absence

Unanimous consent having been obtained, leaves of absence for the day were granted Delegates Espinosa, Walker and Ward.

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. 2128: Delegate Crouse;

H. B. 2244: Delegates Brooks, Fast, Foster and Pritt;

H. B. 2436: Delegates Foggin, Forsht, Hardy, Heckert, Honaker, Jennings, Mallow; Miller, Summers and Worrell;

H. B. 2505: Delegate Heckert;

And,

H. B. 2604: Delegate Heckert.

At 12:23 a.m., the House of Delegates adjourned until 11:00 a.m., Thursday, January 19, 2023.

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

SPECIAL CALENDAR

Thursday, January 19, 2023

9th Day

11:00 A. M.

THIRD READING

- S. B. 161 - Authorizing DNR to manage and dispose of property (CAPITO) (EFFECTIVE FROM PASSAGE) [JUDICIARY COMMITTEE AMENDMENT PENDING] [RIGHT TO AMEND]
- S. B. 162 - Authorizing director of DNR to lease state-owned pore spaces in certain areas for carbon sequestration (CAPITO) (EFFECTIVE FROM PASSAGE) [JUDICIARY COMMITTEE AMENDMENT PENDING] [RIGHT TO AMEND]
- 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) (EFFECTIVE FROM PASSAGE)

SECOND READING

- Com. Sub. for H. B. 2412 - Declaring November 14 every year, a special Memorial Day in remembrance of the Marshall University airplane crash (PHILLIPS) (REGULAR)

FIRST READING

- Com. Sub. for H. B. 2530 - Relating to the extension of the expiration of temporary registration plates from sixty days to ninety days (LINVILLE) (REGULAR)
- H. B. 2533 - Relating to a permanent windshield placard to be valid for the duration of the applicant's life (LINVILLE) (REGULAR)

HOUSE CALENDAR

Thursday, January 19, 2023

9th Day

11:00 A. M.

(No Bills)

**WEST VIRGINIA
HOUSE OF DELEGATES**

THURSDAY, JANUARY 19, 2023

HOUSE CONVENES AT 11:00 A.M.

**WORKFORCE DEVELOPMENT
9:00 A.M. – ROOM 215-E**

**JAILS AND PRISONS
9:00 A.M. – ROOM 410-M**

**SENIOR, CHILDREN, AND FAMILY ISSUES
10:00 A.M. – ROOM 460-M**

**COMMITTEE ON ENERGY AND MANUFACTURING
1:00 P.M. – ROOM 432-M**

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

**COMMITTEE ON GOVERNMENT ORGANIZATION
3:00 P.M. – ROOM 215-E**

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