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NINTH DAY

Thursday, January 19, 2023

NINTH DAY

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

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

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

The Clerk proceeded to read the Journal of Wednesday, January 18, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on the Judiciary has had under consideration:

H. B. 2564, Repeal of administrative hearing procedures for DUI offenses,

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

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

Your Committee on Government Organization has had under consideration:

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

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

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

Your Committee on Government Organization has had under consideration:

H. B. 2310, Provide the Division of Motor Vehicles authority to develop an "Antique Fleet" program so that multiple antique motor vehicles may utilize a single registration plate,

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

Delegate Martin, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 2244, Providing a process by which a city may hold an election to recall an ordinance,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2244) was referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration:

H. B. 2602, Reestablishing certain specialized school service personnel classifications,

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference to the Committee on Finance be dispensed with.

In the absence of objection, reference of the bill (H. B. 2602) to the Committee on Finance was abrogated.

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

Your Committee on Education has had under consideration:

H. B. 2003, Providing early childhood assistant teachers and systems of support to help students achieve grade level literacy and numeracy by end of third grade,

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. 2003) was referred to the Committee on Finance.

Resolutions Introduced

The following resolutions were introduced and severally referred as follows:

By Delegates **Holstein, Foster and Steele**:

H. R. 4 – “Condemning calls to defund the police”; to the Committee on Rules.

By Delegate **Holstein**:

H. C. R. 7 – “Requesting the Division of Highways name a portion of Rt 85 South, starting at the Van Community Park of the community of Van and ending at the bridge at Clinton Camp Rd in Wharton in Boone County, the ‘U.S. Army SSG James C. Vickers Silver Star Highway’”; to the Committee on Technology and Infrastructure then Rules.

Bills Introduced

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

By Delegate Worrell:

H. B. 2804 - "A Bill to amend and reenact §5-11A-3a of the Code of West Virginia, 1931, as amended; to amend and reenact §5-22-1 of said code; to amend and reenact §21-1-3 of said code; to amend and reenact §21-3C-10a, §21-3C-10b, and §21-3C-11 of said code; to amend and reenact §21-9-2, and §21-9-9 of said code; to amend said code by adding thereto a new article, designated §21-11-1, §21-11-2, §21-11-3, §21-11-4, §21-11-5, §21-11-6, §21-11-7, §21-11-8, §21-11-9, §21-11-10, §21-11-11, §21-11-12, §21-11-13, §21-11-14, §21-11-15, §21-11-16, §21-11-17, §21-11-18, §21-11-19, and §21-11-20; to amend and reenact §21-9-2 and §21-9-9 of said code; to amend and reenact §21-11A-2 and §21-11A-4 of said code; to amend and reenact §21-16-4 of said code; to amend and reenact §21A-10-11 of said code; and to repeal §30-42-1, §30-42-2, §30-42-3, §30-42-4, §30-42-5, §30-42-6, §30-42-7, §30-42-8, §30-42-9, §30-42-10, §30-42-11, §30-42-12, §30-42-13, §30-42-14, §30-42-15, §30-42-16, §30-42-17, §30-42-18, §30-42-19, and §30-42-20, all relating to the West Virginia Contractor Licensing Act; providing for relocating the licensing of contractors from Chapter 30 back to Chapter 21 of this code; providing a short title and declaration of policy with definitions; continuing the West Virginia Contractor Licensing Board, its composition, and the terms, qualifications and appointment of members; defining administrative duties of board; authorizing the proposal of legislative rules; changing the congressional district residency requirement for members of the board; requiring contractor license and providing exemptions; providing licensing procedure; providing for expiration date, fees, and renewal of license; providing for revocation for unlawful use, assignment or transfer of license; providing for prerequisites to obtaining building permit and mandatory written contracts; providing for requiring informational list for basic universal design features; providing for injunction and criminal penalties for violation of article; providing for specific administrative duties of board and record keeping by the board; establishing authorization to grant reciprocity and to provide training to students who desire to obtain a West Virginia contractor license; providing for misdemeanor criminal penalties for violations of article; providing for limitations on municipalities, local governments, and counties from requiring a license to perform contractor work; providing for an exemption from a contractor license for residential work up to \$5,000 and commercial work up to \$25,000; providing for an exemption from a contractor license for a person performing landscaping and painting services; establishing regulatory review schedule for board; and making technical changes to update code citation references throughout the code"; to the Committee on Government Organization.

By Delegate Worrell:

H. B. 2805 - "A Bill to repeal §21-3C-14 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-3D-1, §21-3D-2, §21-3D-3, and §21-3D-8 of said code; to amend said code by adding thereto five new sections, designated, §21-3D-4, §21-3D-5, §21-3D-6, §21-3D-7; and §21-3D-9; to amend and reenact §21-14-2, and §21-14-7 of said code; to amend and reenact §21-16-2, §21-16-3, §21-16-5, and §21-16-8 of said code; to repeal §21-16-11 of said code; to amend and reenact §29-3B-2, §29-3B-3, §29-3B-4, §29-3B-6, and §29-3B-8 of said code; and to amend and reenact §29-3D-2, §29-3D-3, §29-3D-4, and §29-3D-7 of said code, all relating to licensure in this state; providing for local ordinances over state code precedence; modifying the national standard and national certification for crane operators; removing the legislative appropriation of the Crane Operators Certification Fund; modifying the definitions of a Journeyman and Master plumber; removing monetary penalties for performing plumbing work under certain conditions; providing for altered definitions of HVAC Technician; removing the requirement that an applicant for a HVAC technician license must provide documentation of up to 2,000 hours work, training, and experience; removing monetary penalties for improperly performing HVAC work under certain conditions; modifying eligibility for HVAC technician licensure; providing for altered definitions of Journeyman and Master electricians; removing exemptions for licensure under certain conditions; modifying time frames for electricians to renew

a license without retesting; removing monetary penalties for performing electrical work under certain conditions; providing for definitions of fire protection workers; providing for an altered definition of Journeyman sprinkler fitter; modifying an exemption from licensure when meeting certain conditions; removing monetary penalties for certain fire protection work; and providing for other minor technical changes”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2806 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17B-2-10a, relating to an occupational limited license”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Foster:

H. B. 2807 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-5H-1, §18-5H-2, §18-5H-3, and §18-5H-4, all relating to the Virtual Public School’s Act; providing a short title and declaration of intent; including definitions; and providing accountability requirements”; to the Committee on Education.

By Delegate Steele:

H. B. 2808 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12n, relating to taxation of gambling and lottery winnings; providing those winnings are taxable income; allowing taxpayers to deduct certain losses incurred the same year; and providing for recordkeeping of those losses”; to the Committee on the Judiciary then Finance.

By Delegates Summers and Tully:

H. B. 2809 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §26-12-1, relating to whistleblower protections for workers at state health care facilities who report unsafe patient care or unsafe patient conditions”; to the Committee on the Judiciary.

By Delegate Young:

H. B. 2810 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-6-111, relating to providing for the destruction of customer records that contain personal information no longer needed by the business”; to the Committee on the Judiciary.

By Delegate Young:

H. B. 2811 - “A Bill to amend and reenact §3-3-1 of the Code of West Virginia, 1931, as amended, relating to voting; and allowing voters 65 and older to vote absentee”; to the Committee on the Judiciary.

By Delegate Longanacre:

H. B. 2812 - “A Bill to amend and reenact §4-1-1 of the Code of West Virginia, 1931, as amended, relating to requiring the Legislature to conduct all official business at the State Capitol”; to the Committee on Government Organization.

By Delegate Young:

H. B. 2813 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-29-1, §47-29-2, §47-29-3, and §47-29-4, all relating to menstrual product labeling; providing for definitions; providing for a plain and conspicuous list of ingredients;

creating labeling requirement in addition to other regulations; and providing for a civil penalty”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Young:

H. B. 2814 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §24-21-1 and §24-21-2, all relating to the creation of a Clean Hydrogen Power Task Force in West Virginia; providing for a short title; and providing for the establishment of the task force”; to the Committee on Energy and Manufacturing.

By Delegates Sheedy, Barnhart, Hillenbrand, Mallow, Willis and Longanacre:

H. B. 2815 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12n, relating to establishing a tax credit on West Virginia personal income tax for all active-duty military personnel, including National Guard active-duty members and reserve members; providing legislative findings; establishing the credit; and providing for an effective date”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegates Nestor, Hott, Kirby, Honaker, Forsht, Riley, Adkins, C. Pritt, Vance, Coop-Gonzalez and Warner:

H. B. 2816 - “A Bill to amend and reenact §8-11-1 of the Code of West Virginia, 1931, as amended, relating to ensuring that municipal officers adhere to the Model Rules of Judicial Conduct, to provide a means by which the integrity of the judicial system of the state is preserved, and to ensure that the constitutional rights of all people will be adequately protected by all courts of this state”; to the Committee on the Judiciary.

By Delegates Cannon, Linville, Riley, Keaton, Shamblin and Chiarelli:

H. B. 2817 - “A Bill to amend and reenact §24-2D-2 and §24-2D-3 of the Code of West Virginia, 1931, as amended, all relating to Public Service Commission jurisdiction over alternative fuel for motor vehicles, clarifying the definitions of alternative fuel and alternative fuel vehicles, limiting Public Service Commission jurisdiction over temporary charging locations for alternative fuel vehicles with movable generators for technological demonstrations at fairs, festivals, and other special events and at temporary charging locations with movable generators where the electric distribution grid has been adversely effected by emergencies or disasters, natural or otherwise, and making technical improvements”; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegates Horst, Mallow, Ferrell, Thorne, Holstein and Gearheart:

H. B. 2818 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-65, relating to moving the start of firearms deer season to begin the Saturday before the week of the Thanksgiving holiday every year”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Toney, Ellington and Statler:

H. B. 2819 - “A Bill to amend and reenact §18-9F-10 of the Code of West Virginia, 1931, as amended, relating to adding State Fire Marshals to the statute to be included with law enforcement along with local law enforcement and first responders that receive information related to school safety requirements”; to the Committee on Fire Departments and Emergency Medical Services then Education.

By Delegates Crouse, Steele, Burkhammer, Kimble, Worrell, Cannon, Dillon, Butler, Maynor, Lucas and Pinson:

H. B. 2820 - "A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to allowing participants in the Hope Scholarship Program, Microschools and Learning Pods access to athletics"; to the Committee on Education.

By Delegates Cannon, Steele and Fluharty:

H. B. 2821 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12n, relating to taxation of gambling and lottery winnings; providing those winnings are taxable income; allowing taxpayers to deduct certain losses incurred the same year; and providing for recordkeeping of those losses"; to the Committee on the Judiciary then Finance.

By Delegate Linville:

H. B. 2822 - "A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to the consumers sales and service tax and returning the refundable exemption for sales of construction and maintenance materials acquired by a second party for use in Division of Highways projects; specifying duties of Tax Commissioner and Division of Highways; specifying procedure of the exemption; and setting forth calculation of reimbursement"; to the Committee on Technology and Infrastructure then Finance.

By Delegates Kirby, Vance, Steele, Thorne, Foggin, Bridges, Crouse, C. Pritt, McGeehan, Brooks and Hanna:

H. B. 2823 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-3-4d, relating to allowing for religious exemptions of vaccine requirements in primary and secondary schools"; to the Committee on Health and Human Resources then Education.

By Delegates Kirby, Vance, Steele, Thorne, Foggin, Bridges, Maynor, Crouse, C. Pritt, Holstein and Brooks:

H. B. 2824 - "A Bill to amend and reenact §18B-4-5a of the Code of West Virginia, 1931, as amended, relating to permitting the carrying of concealed weapons on the campus of a state institution of higher education"; to the Committee on Education then the Judiciary.

By Delegates Kirby, Vance, Steele, Thorne, Heckert, Foggin, Bridges, Maynor, Crouse, C. Pritt and McGeehan:

H. B. 2825 - "A Bill amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-22, relating to providing limitations on mask wearing requirements"; to the Committee on Health and Human Resources.

By Delegates Ellington, Toney, Statler, Gearheart, Storch, Mazzocchi and Smith:

H. B. 2826 - "A Bill to amend and reenact §11-14C-5 of the Code of West Virginia, 1931, as amended, relating to the motor fuel excise tax; and removing the variable rate component"; to the Committee on Finance.

By Delegates Ellington, Clark, Smith, Chiarelli, Longanacre, Hornby, Statler and Toney:

H. B. 2827 - "A Bill to amend and reenact §18-5-48 of the Code of West Virginia, 1931, as amended, relating to safety and security measures for school facilities and the Safe Schools Fund; making public charter schools eligible for Safe Schools Funds; providing that Safe Schools Funds shall be distributed first to meet the special education video requirements, then safe school entry way needs, and when met, on the basis of need; providing that any moneys distributed from the

Safe Schools Fund for facility improvements shall only be expended on facilities owned by a county board of education, public charter school or multicounty vocational center, unless the improvements to such facilities may be removed with minimal effort; and, providing that the West Virginia Board of Education shall promulgate rules to govern the process by which county boards of education, public charter schools and multicounty vocational centers may apply for needs-based funding from the Safe Schools Fund”; to the Committee on Education then Finance.

By Delegates Ellington, Willis, Smith, Clark, Chiarelli, Statler and Hornby:

H. B. 2828 - “A Bill to amend and reenact §18A-4-2 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum annual salaries of teachers; providing an increase to all salaries to bring them into parity with salaries offered in surrounding states”; to the Committee on Education then Finance.

By Delegates Walker, Pushkin, Hansen, Rowe, Hornbuckle and Williams:

H. B. 2829 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-60-16, relating to providing a permanent pay raise for emergency medical technicians (‘EMTs’); to the Committee on Fire Departments and Emergency Medical Services then Finance.

By Delegate Hansen:

H. B. 2830 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-22, relating to the Modern Jobs Act, providing for solar energy production on formerly mined land and access to third party co-generation”; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegate Ellington:

H. B. 2831 - “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 the personal income tax, establishing that first \$20,000 of taxable income not subject to personal income tax but income in excess of that amount be subject to a fixed three percent”; to the Committee on Finance.

By Delegates Ellington, Clark, Smith, Chiarelli, Longanacre, Hornby and Toney:

H. B. 2832 - “A Bill to amend and reenact §18-5-18b of the code of West Virginia, 1931, as amended; and to amend and reenact §18A-1-1 of said code, all relating to public-school counselors, and clarifying the definition and job duties of school counselors”; to the Committee on Education.

By Delegates Ellington, Clark, Smith, Hornby, Statler, Toney, Tully and Summers:

H. B. 2833 - “A Bill to amend and reenact §18C-3-3 of the Code of West Virginia, 1931, as amended, relating to establishing the Behavioral Health Workforce Education Initiative at the Higher Education Policy Commission; directing the Treasurer to place funds into the account; establishing the Behavioral Health Workforce Initiative; setting forth terms of the initiative; and creating definitions”; to the Committee on Education then Finance.

By Delegates Ellington, Smith, Chiarelli, Willis, Longanacre, Hornby, Statler and Toney:

H. B. 2834 - “A Bill to amend and reenact §18-19-2 of the Code of West Virginia, 1931, as amended, relating to the eligibility of an active-duty service member’s child or spouse for tuition-free education through the War Orphan Education Program”; to the Committee on Veterans’ Affairs and Homeland Security then Education.

By Delegates Rohrbach, Linville, Worrell, Hornbuckle, Crouse, Griffith, Lucas, Skaff and Capito:

H. B. 2835 - "A Bill to repeal §18B-1-8b of the Code of West Virginia, 1931, as amended, relating to the repeal of an outdated section of code providing for the merger and consolidation of the West Virginia graduate college"; to the Committee on Education.

By Delegate Forsht:

H. B. 2836 - "A Bill to amend and reenact §3-7-3, §3-7-6 and §3-7-7 of the Code of West Virginia, 1931, as amended, all relating to contested elections procedure update; making procedures for election contests before a special court applicable to contested elections of certain judges; changing jurisdiction of election contests for county, district, and municipal elections to the circuit courts; requiring a recount proceeding to be completed before filing certain election contests; providing certain procedural requirements for election contests before circuit courts; providing for appeals of a decision made by a circuit court in an election contest be made to the Supreme Court of Appeals, and granting rulemaking authority to the Supreme Court of Appeals regarding election contests before circuit courts"; to the Committee on the Judiciary.

By Delegates Ross, Keaton, Lucas, Dillon and Crouse:

H. B. 2837 - "A Bill amend and reenact §61-5-17 of the Code of West Virginia, 1931, as amended, relating to increasing the criminal penalty for intentionally fleeing or attempting to flee in a vehicle from a law-enforcement officer, probation officer, or parole officer"; to the Committee on the Judiciary.

By Delegate Dillon:

H. B. 2838 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-15B-1, §22-15B-2, §22-15B-3, and §22-15B-4, all relating to the establishment of the Litterbug Act; creating a short title; providing for legislative findings and a purpose; providing for enactment of the article and funding; and providing for a notice requirement"; to the Committee on the Judiciary then Finance.

By Delegates Anderson, Zatezalo, Heckert, Cooper, Reynolds, Sheedy, Hott, Street and Barnhart:

H. B. 2839 - "A Bill to amend and reenact §22-2-10 of the Code of West Virginia, 1931, as amended; and to further amend said code by adding thereto a new section, designated §22-3-39, all relating to declaring the benefits and effects of the extraction of useful substances from the waters of the state; clarifying the applicability of state policy for provisions of the Abandoned Mine Lands and Reclamation Act and of the Surface Coal Mining and Reclamation Act; and correcting the name of a receiving fund for proceeds received by the Department of Environmental Protection"; to the Committee on Finance.

By Delegates Clark, Riley, Smith, Ellington, Howell, Espinosa and Kump:

H. B. 2840 - "A Bill to amend and reenact §3-1-48 of the Code of West Virginia, 1931, as amended, relating to expenditures of federal appropriations from Congress to the Secretary of State for purposes that further the administration of federal elections held in the state, payable from the County Assistance Voting Equipment Fund"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2841 - "A Bill to amend and reenact §30-1-10 of the Code of West Virginia, 1931, as amended, relating to establishing an Occupational Licensing Legal Fund from existing revenue; creating special revenue fund; providing for transfer of money from excess receipts of occupational licensing boards; specifying authorized uses of fund; providing that expenditures are

subject to appropriation by Legislature; requiring transfer of balance excess to General Revenue Fund; and providing for notification to the Legislative Auditor”; to the Committee on the Judiciary then Finance.

By Delegate Foster:

H. B. 2842 - “A Bill to repeal §8-13-4 of the Code of West Virginia, 1931, as amended, relating to municipal licensing and taxes therefor”; to the Committee on Political Subdivisions then Government Organization.

By Delegate Young:

H. B. 2843 - “A Bill to amend and reenact §5-11-3 and §5-11-10 of the Code of West Virginia, 1931, as amended, all relating to the Human Rights Commission; amending the definition of employer and the number of persons employed to qualify as an employer; and extending the period of the statute of limitations to file a complaint for an alleged unlawful discriminatory practice”; to the Committee on Workforce Development then the Judiciary.

By Delegate Young:

H. B. 2844 - “A Bill to amend and reenact §5-11-3 of the Code of West Virginia, 1931, as amended, relating to modifying the definition of ‘employee’ under the Human Rights Commission”; to the Committee on Workforce Development then the Judiciary.

By Delegates Summers and Tully:

H. B. 2845 - “A Bill to repeal §16-29F-1 of the Code of West Virginia, 1931, as amended, relating to repealing expired provisions from the code”; to the Committee on Health and Human Resources.

Special Calendar

Third Reading

S. B. 161, Authorizing DNR to manage and dispose of property; on third reading, coming up in regular order, with amendment pending and the right to amend, was reported by the Clerk.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk, on page one, by striking everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 1. ORGANIZATION AND ADMINISTRATION.

§20-1-10. Property Management.

(a) The division shall maintain at all times an accurate record of all of its lands, interests in lands, buildings, structures, equipment and other tangible properties and assets. The record shall reflect the location, utility, condition and estimated value of all such properties and assets. The division shall provide for the maintenance, preservation and custody of all such properties and assets. ~~and when any item or items thereof become obsolete or are no longer needed, the division shall report thereon to the Public Lands Corporation for disposition thereof~~

(b) Subject to the provisions of §20-1-19 of this code, the division shall have the authority, with the approval in writing of the Secretary of Commerce, to sell, lease, or otherwise dispose of property that is under the jurisdiction and control of the director. The director may convey property

in exchange for money, security or property, both real and personal, and any interest in such property, including lands and waters, which he or she deems suitable for the purposes of the division.

~~(b)~~ (c) The director shall select and designate a competent and qualified person as division property officer, who shall be responsible for the division's records relating to its properties and assets and for the maintenance, preservation, custody and disposition of all such properties and assets as herein provided.

~~(e)~~ (d) Subject to valid existing rights, division owned wildlife management area lands shall be open to access and use for recreational hunting and shooting except as limited by the division for reasons of public safety, fish and wildlife management or homeland security or as otherwise limited by law.

~~(d)~~ (e) The division shall exercise its authority consistent with subsection ~~(e)~~(d) to support, promote and enhance recreational hunting and shooting opportunities, to the extent authorized by statute. The division shall give preference to hunting and shooting over other uses of division owned wildlife management area lands.

~~(e)~~ (f) Division land management decisions and actions may not result in a net loss of habitat land acreage available for hunting and shooting opportunities on division owned wildlife management area lands that exists on the effective date of this section.

~~(f)~~ (g) On or before December 1, the division shall submit an annual report to the Governor and to the Joint Committee on Government and Finance, including the following:

(1) The acreage administered by the division that has been closed during the previous year to recreational hunting and the reasons for the closures; and

(2) The acreage administered by the division that, in order to comply with the provisions of subsection ~~(e)~~(f) was opened to recreational hunting to compensate for that acreage.”

Delegates Kimble and Fast moved to amend the amendment on page 1, section 10(b), line 7, by inserting the words “when any item or items or lands are deemed obsolete or are no longer needed” before the words “the division”.

The question then being on the adoption of the amendment to the amendment, the same was put and adopted.

The Committee on the Judiciary amendment, as amended, was then adopted.

There being no further amendments, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 9**), and there were—yeas 94, nays 5, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Dean, Dillon, A. Hall, Hanna and Miller.

Absent and Not Voting: Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 161) passed.

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

S. B. 161 – “A Bill to amend and reenact §20-1-10 of the Code of West Virginia, 1931, as amended, relating to the authority of the Division of Natural Resources to manage and dispose of property; repealing the requirement to report items to the Public Land Corporation; and authorizing the division to dispose of certain property under the jurisdiction and control of the director.”

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

On this question, the yeas and nays were taken (**Roll No. 10**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Dillon.

Absent and Not Voting: Ward.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 161) 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.

S. B. 162, Authorizing director of DNR to lease state-owned pore spaces in certain areas for carbon sequestration; on third reading, coming up in regular order, with amendment pending and the right to amend, was reported by the Clerk.

An amendment was recommended by the Committee on the Judiciary, and adopted, on page 1, following the enacting clause, by striking the remainder of the bill in its entirety and inserting in lieu thereof the following:

“ARTICLE 1. ORGANIZATION AND ADMINISTRATION.

§20-1-22. Authorizing the director to lease and develop pore spaces.

(a) The director may, with the approval in writing of the Secretary of Commerce, lease state-owned pore spaces underlying state forests, natural and scenic areas, wildlife management areas, and other lands under the jurisdiction and control of the director for underground carbon sequestration: *Provided*, That the director is prohibited from leasing state-owned pore spaces underlying lands that are designated as state parks. Before entering into a lease, the director shall receive sealed bids therefor, after notice by publication as a Class I legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code, and the publication area for such publication shall be each county in which the affected lands are located, and on the Division’s main website for a period of at least 14 days prior to entering into any lease pursuant to this section. The pore space development proposal so advertised shall be leased to the highest responsible bidder, who shall give bond for the proper performance of the lease as the director shall designate; but the director may reject any and all bids and re-advertise for bids. The development of pore spaces pursuant to this section shall be consistent with the requirements of

§22-11B-1 et seq. of this code. The proceeds arising from any such lease shall be paid to the Treasurer of the State of West Virginia and shall be credited to the Division and used exclusively for the purposes of this chapter.

(b) Notwithstanding the competitive bidding process established in subsection (a), the director may, with the approval in writing of the Secretary of the Department of Commerce, directly award a pore space lease when the Secretary of the Department of Commerce and the Secretary of the Department of Economic Development certifies in writing to the director that the lease is a necessary component of an economic development project: *Provided*, That the lease shall afford a market value or greater royalty.”

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 11**), and there were—yeas 87, nays 12, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Brooks, Coop-Gonzalez, Dean, Dillon, A. Hall, Hanna, Hornby, Kirby, McGeehan, C. Pritt, Ridenour and Vance.

Absent and Not Voting: Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 162) passed.

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

On this question, the yeas and nays were taken (**Roll No. 12**), and there were—yeas 92, nays 7, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Coop-Gonzalez, Dillon, Kirby, McGeehan, C. Pritt, Ridenour and Vance.

Absent and Not Voting: Ward.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 162) takes effect from its passage.

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

H. B. 2017, Relating to service of process in child abuse cases; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Summers asked and obtained unanimous consent to amend the bill on third reading, and the rule was suspended to permit the offering and consideration of such.

Delegates Summers moved to amend the bill on page 2, line 24, by striking subdivision (1) in its entirety and inserting a new subdivision (1) to read as follows:

“(1) The petition and notice of the preliminary hearing shall be served by the sheriff’s office, without additional compensation, upon both parents and any other guardian, custodian, or person standing in loco parentis, giving to the persons at least five days’ actual notice. ~~of a preliminary~~

~~hearing, and at least 10 days' notice of any other hearing, Any subsequent hearing shall provide at least 10 days notice, and shall be served in accordance with the rules of civil procedure".~~

Delegate Steele arose to a point of privilege regarding asking for a computer cable and the Speaker ruled that the point was well taken.

Delegate Steele then moved that the bill be postponed one day.

Unanimous consent was then obtained to postpone the bill one day.

Com. Sub. for H. B. 2018, Permitting the managed care case coordinator to attend the multidisciplinary team meeting; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 13**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Heckert and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2018) passed.

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

On this question, the yeas and nays were taken (**Roll No. 14**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: 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. 2018) takes effect from its passage.

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

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 15**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Pushkin and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2029) passed.

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

On this question, the yeas and nays were taken (**Roll No. 16**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Pushkin and Ward.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2029) takes effect from its passage.

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

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 17**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Pushkin and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2506) passed.

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

On this question, the yeas and nays were taken (**Roll No. 18**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Pushkin and Ward.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2506) 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

Com. Sub. for H. B. 2412, Declaring November 14 every year, a special Memorial Day in remembrance of the Marshall University airplane crash; on second reading, coming up in regular order, was read a second time.

Unanimous consent having been obtained, the bill was advanced to third reading with the right to amend, and the rule was suspended to permit the consideration of amendments on that reading.

First Reading

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for H. B. 2530, Relating to the extension of the expiration of temporary registration plates from sixty days to ninety days,

And,

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

Leaves of Absence

At the request of Delegate Kelly, and by unanimous consent, leaves of absence for the day was granted Delegate 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. 2045: Delegate Heckert;

H. B. 2139: Delegate Hillenbrand;

H. B. 2189: Delegates Bridges, Crouse, Dean, Dillon, Hardy and Thorne;

H. B. 2191: Delegate Pritt;

H. B. 2194: Delegate Hillenbrand;

H. B. 2505: Delegate Fehrenbacher;

H. B. 2532: Delegate Hillenbrand;

H. B. 2538: Delegates Burkhammer and Mazzocchi;

H. B. 2541: Delegate Hall;

H. B. 2543: Delegate Hall;

H. B. 2544: Delegate Hall;

H. B. 2545: Delegate Hall;

H. B. 2555: Delegate Ridenour;

H. B. 2604: Delegate Williams;

H. B. 2609: Delegate Mallow;

H. B. 2619: Delegates Chiarelli, Espinosa and Summers;

H. B. 2754: Delegate Espinosa;

H. B. 2763: Delegate Heckert;

H. B. 2788: Delegate Kump;

H. B. 2797: Delegate Espinosa;

H. B. 2818: Delegate Kump;

H. B. 2842: Delegate Kump;

And,

H. B. 2826: Delegate Kump.

At 12:03 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, January 20, 2023.

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

SPECIAL CALENDAR

Friday, January 20, 2023

10th Day

11:00 A. M.

THIRD READING

- H. B. 2017 - Relating to service of process in child abuse cases (SUMMERS) (EFFECTIVE FROM PASSAGE) [AMENDMENT PENDING] [RIGHT TO AMEND]
- 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) [RIGHT TO AMEND]

SECOND 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)

FIRST READING

- S. B. 128 - Clarifying authority of Governor and Legislature to proclaim and declare state of emergency and preparedness (PHILLIPS) (REGULAR) [GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING]
- H. B. 2310 - Provide the Division of Motor Vehicles authority to develop an "Antique Fleet" program so that multiple antique motor vehicles may utilize a single registration plate (PHILLIPS) (REGULAR)
- H. B. 2564 - Repeal of administrative hearing procedures for DUI offenses (CAPITO) (REGULAR)
- H. B. 2602 - Reestablishing certain specialized school service personnel classifications (ELLINGTON) (EFFECTIVE FROM PASSAGE)

HOUSE CALENDAR

Friday, January 20, 2023

10th Day

11:00 A. M.

(No Bills)

**WEST VIRGINIA
HOUSE OF DELEGATES**

FRIDAY, JANUARY 20, 2023

HOUSE CONVENES AT 11:00 A.M.

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

**COMMITTEE ON THE JUDICIARY
10:00 A.M. – ROOM 410-M**

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