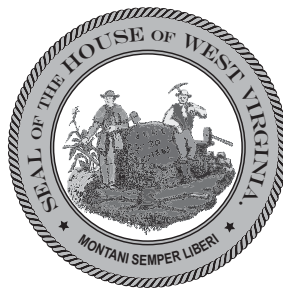


West Virginia Legislature

JOURNAL  
of the  
HOUSE of DELEGATES

Eighty-Sixth Legislature  
First Regular Session

Held at Charleston  
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January 20, 2023

TENTH DAY



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Friday, January 20, 2023

### TENTH 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 Thursday, January 19, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

At the request of Delegate Kimble, and by unanimous consent, the House of Delegates proceeded to the Seventh Order of Business for the purpose of introducing a resolution.

### Resolutions Introduced

The following resolution was introduced as follows:

**By Delegates Tully, Adkins, Anderson, Barnhart, Bridges, Brooks, Burkhammer, Butler, Cannon, Capito, Chiarelli, Clark, Cooper, Coop-Gonzalez, Crouse, Dean, Devault, Dillon, Dittman, Espinosa, Fast, Fehrenbacher, Ferrell, Foggin, Forsht, Foster, Gearheart, Griffith, A. Hall, W. Hall, Hanshaw (Mr. Speaker), Hardy, Heckert, Hillenbrand, Hite, Honaker, Hornby, Horst, Hott, Householder, Howell, Jeffries, Jennings, Keaton, Kelly, Kimble, Kirby, Kump, Linville, Longanacre, Lucas, Mallow, Marple, Martin, Maynor, Mazzocchi, McGeehan, Miller, Nestor, Petitto, Phillips, Pinson, C. Pritt, E. Pritt, Pushkin, Reynolds, Ridenour, Riley, Rohrbach, Ross, Rowe, Shamblin, Sheedy, Smith, Statler, Street, Summers, Thorne, Toney, Vance, Warner, Willis, Worrell, Young and Zatezalo:**

**H. R. 5** – “Honoring the life and service of Nicholas County Deputy Sheriff Thoma’ Tom’ Edward Baker, who gave his life in the line of duty protecting the citizens of Nicholas County, West Virginia.”

At the respective requests of Delegate Kimble, and by unanimous consent, reference of the resolution (H. R. 5) to a committee was dispensed with, and it was taken up for immediate consideration.

The resolution was then read by the Clerk.

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

The yeas and nays having been ordered, they were taken (**Roll No. 19**), and there were— yeas 91, nays none, absent and not voting 9, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Ellington, Gearheart, Honaker, McGeehan, Sheedy, Ward, Westfall and Worrell.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution adopted.

### Committee Reports

Delegate Worrell, Chair of the Committee on Workforce Development, submitted the following report, which was received:

Your Committee on Workforce Development has had under consideration:

**H. B. 2005**, Establishing the dual enrollment pilot program to be administered by the Higher Education Policy Commission and the Council for Community and Technical College Education in conjunction with the State Board of Education,

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 Education.

In accordance with the former direction of the Speaker, the bill (H. B. 2005) was referred to the Committee on Education.

Delegate Worrell, Chair of the Committee on Workforce Development, submitted the following report, which was received:

Your Committee on Workforce Development has had under consideration:

**H. B. 2515**, Require agencies to develop and maintain an inventory of available services for single parents wanting to obtain degrees, secure training or reenter the workforce,

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 Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 2515) was referred to the Committee on Government Organization.

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. 2007**, Prohibiting certain medical practices,

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. 2007) was referred to the Committee on the Judiciary.

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. 2759**, Relating to updating the health care provider tax,

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. 2759) was referred to the Committee on Finance.

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. 2757**, 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,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2757** – “A Bill to amend and reenact §18-2E-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18C-9-3 and §18C-9-4, all relating to expanding institutional eligibility for the West Virginia Invests Grant Program,”

With the recommendation that the committee substitute 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. 2756**, Relating to the controlled substance monitoring database; and adding the reporting of medical marijuana to the database,

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. 2756) was referred to the Committee on the Judiciary.

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. 2754**, Relating to immunizations performed in a pharmacy,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2754** – “A Bill to amend and reenact §30-5-7 and §30-5-12 of the Code of West Virginia, 1931, as amended, relating to immunizations performed in a pharmacy; permitting a pharmacy technician to perform an immunization; updating rulemaking authority; and reducing the age of a recipient,”

With the recommendation that the committee substitute do pass.

Delegate Anderson, Chair of the Committee on Energy and Manufacturing, submitted the following report, which was received:

Your Committee on Energy and Manufacturing has had under consideration:

**H. B. 2644**, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to rules for quarrying and reclamation,

**H. B. 2645**, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the recycling assistance grant program,

And,

**H. B. 2646**, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to Reclamation of Abandoned and Dilapidated Properties Grant Program,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2644, H. B. 2645 and H. B. 2646) were each referred to the Committee on the Judiciary.

Delegate Anderson, Chair of the Committee on Energy and Manufacturing, submitted the following report, which was received:

Your Committee on Energy and Manufacturing has had under consideration:

**H. B. 2647**, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to reclamation of solar and wind electricity generating facilities,

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. 2647) was referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration:

**H. B. 2776**, Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act,

And,

**H. B. 2777**, Updating federal taxable income and other terms in the West Virginia Corporation Net Income Tax Act,

And reports the same back with the recommendation that they each 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. 74** – “A Bill to amend and reenact §18-3-6 of the Code of West Virginia, 1931, as amended, relating to requiring county boards of education, county superintendents, employees of county boards of education, and the West Virginia Public Employees' Grievance Board to give substantial deference to the State Superintendent's interpretations of school law or State Board of Education rules; and providing exceptions to substantial deference requirement”; 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

**Com. Sub. for S. B. 83** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-43-1, §30-43-2, and §30-43-3, all relating to tactical medical professionals; defining terms; authorizing to carry firearms; training and certification requirements; and protecting from civil or criminal liability”; which was referred to the Committee on Government Organization.

### Bills Introduced

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

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

**H. B. 2846** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-5-5; and to amend and reenact §3-5-13 and §3-5-13a of said code, all relating to placing of questions on the ballot in primary elections submitted by a political party”; to the Committee on the Judiciary.

**By Delegates Chiarelli, Hanna, Burkhammer, Willis, Brooks, Holstein, Heckert, Longanacre, Hite, Foster and Ross:**

**H. B. 2847** - “A Bill to amend and reenact §60A-4-401 of the Code of West Virginia, 1931, as amended, relating to imposing a life sentence on those convicted of dealing fentanyl”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Riley, Linville, Cannon, Barnhart, Westfall, Clark, Fehrenbacher, W. Hall, Maynor, Adkins and Hite:**

**H. B. 2848** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-9g, related to modifying the requirements for out of state wastewater operators to obtain a license in the state”; to the Committee on Technology and Infrastructure then Health and Human Resources.

**By Delegates Kump, Ridenour, Martin, Foster, Vance, Phillips, Forsht, Brooks and Maynor:**

**H. B. 2849** - “A Bill to repeal §3-5-6 of the Code of West Virginia, 1931, as amended; and to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated

§3-5A-1, all relating to changing local school board elections from the date of the primary elections to the date of the general elections”; to the Committee on the Judiciary.

**By Delegate Ellington:**

**H. B. 2850** - “A Bill to amend and reenact §18-20-1c of the Code of West Virginia, 1931, as amended, relating to students with exceptional needs; clarifying entitlements for the general education teacher who has students with exceptionalities in their classroom”; to the Committee on Education.

**By Delegate Hansen:**

**H. B. 2851** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16A-17-1, §16A-17-2, §16A-17-3, §16A-17-4, §16A-17-5, §16A-17-6, §16A-17-7, §16A-17-8, and §16A-17-9, all relating to legalizing cannabis production, sales, and adult consumption; providing legislative purpose and findings; defining terms; legalizing the possession of one ounce or less of cannabis and cannabis products by adults; authorizing production, sales, transfer, and transport of cannabis upon passing county referendums; providing procedure for county commissions to authorize county referendum on legislation of production and sales; establishing mechanisms for permitting and licensing production and sales facilities by the Bureau for Public Health and localities; authorizing the Bureau of Public Health to propose legislative rules, establish licensing and administrative penalties relating to the production, sales, transfer and transport cannabis in authorizing counties; authorizing the Department of Revenue to promulgate rules and administer tax collections; authorizing localities to regulate manufacturing and sales locations; authorizing a special excise tax on cannabis; creating a new fund and dedicating proceeds of the fund; authorizing county local sales tax to be collected and used for the benefit of county and municipal governments; providing current laws relating to employment, vehicle operation, underage use or private property use preserved; and that the operation of this article is not intended to alter West Virginia Medical Cannabis Act”; to the Committee on Health and Human Resources then the Judiciary then Finance.

**By Delegate Hansen:**

**H. B. 2852** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-10A-1, §22-10A-2, §22-10A-3, §22-10A-4, §22-10A-5, §22-10A-6, §22-10A-7, §22-10A-8, §22-10A-9, and §22-10A-10, all relating to the creation of the Orphan Oil and Gas Well Prevention Act of 2023; preventing oil and gas wells from being orphaned on surface owner’s land with no responsible driller or operator with the resources to plug the well; the procedures for prevention of orphaned wells; and requiring plugging money set aside as escrow in the office of the State Treasurer”; to the Committee on Energy and Manufacturing then the Judiciary.

**By Delegates Holstein and Steele:**

**H. B. 2853** - “A Bill to amend and reenact §17C-12-7 of the Code of West Virginia, 1931, as amended, relating to increasing the penalties for passing a school bus and causing injury”; to the Committee on the Judiciary.

**By Delegates Summers, McGeehan, Tully, Petitto, Miller and Forsht:**

**H. B. 2854** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-111d, relating to reimbursement for child-care; requiring federal waiver to pay child-care providers based upon enrollment rather than attendance of the child; requiring development of performance-based contracting standards to reimburse child care providers; setting forth minimum criteria in developing performance-based criteria; and establishing deadlines”; to the Committee on Health and Human Resources.



**By Delegates Hansen, Hornbuckle, E. Pritt, Griffith, Williams, Skaff and Garcia:**

**H. B. 2855** - "A Bill to repeal §3-3-3a of the Code of West Virginia, 1931, as amended; to amend and reenact §3-1-34 and §3-1-41 of said code; to amend and reenact §3-1A-5 of said code; to amend and reenact §3-3-1, §3-3-1a, §3-3-2, §3-3-2a, §3-3-5, §3-3-9, §3-3-10, and §3-3-12 of said code; to amend and reenact §3-6-6, §3-6-7, and §3-6-9 of said code; to amend said code by adding thereto a new section, designated §3-9-14; and to amend and reenact §3-9-19 of said code, all relating to modernization of procedures for voting in public elections; modifying voter identification procedure at the polls; removing authority of election commissioners and poll clerks to dispute voter claims of disability; authorizing all registered voters to vote absentee ballot by mail; simplifying the requirements for an emergency absentee ballot; providing for secure receipt of hand-delivered absentee ballots; providing for stand-alone drop-off locations for deposit of completed absentee ballots; revising terms and procedures for casting an absentee ballot by mail; reforming the procedures and grounds for challenging an absentee ballot; specifying the form and printed text of envelopes for absentee ballots; establishing a pre-canvass procedure for ballots received in advance of Election Day; authorizing voter cure for potentially deficient absentee ballots; establishing a criminal offense of coercion and intimidation of a voter; defining a criminal offense of unauthorized marking of another person's absentee ballot; providing criminal penalties for violations; and correcting citations and grammar throughout"; to the Committee on the Judiciary.

**By Delegates Holstein, Steele, Keaton, Forsht, Smith and Maynor:**

**H. B. 2856** - "A Bill to amend and reenact §3-5-11 and §3-5-19 of the Code of West Virginia, 1931, as amended, relating to filling vacancies on the ballot for election to a public office; and prohibiting the filling of a vacancy for a candidate to an elected office after the time is closed for announcing as a candidate caused by failure of any person of a party to file for the elected office"; to the Committee on the Judiciary.

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

**H. B. 2857** - "A Bill to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended, relating to giving individuals seeking to run for public office a 10-day right to appeal to the Supreme Court of Appeals the decisions of the Secretary of State not to verify the potential candidates' certificates of announcements"; to the Committee on the Judiciary.

**By Delegates Holstein, Barnhart, Foster, Steele, Cannon, Keaton, Forsht and Smith:**

**H. B. 2858** - "A Bill to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended, relating to filing of announcements of candidacies for political office; clarifying that the deadline for filing is based upon the date of receipt by the receiving authority"; to the Committee on the Judiciary.

**By Delegates Holstein, Foster, Steele, Keaton, Forsht, Smith, Maynor and Warner:**

**H. B. 2859** - "A Bill to amend and reenact §3-1-45 of the Code of West Virginia, 1931, as amended, relating to legal standing of the West Virginia Legislature in court actions related to unauthorized changes to election laws and rules; identifying the Legislature as a necessary party; and clarifying who may seek mandamus relief"; to the Committee on the Judiciary.

**By Delegates Heckert, Foggin, Westfall, Anderson, Brooks, Crouse, Vance, Honaker, Shamblin, Chiarelli and Jennings:**

**H. B. 2860** - "A Bill to amend and reenact §29-3-5g of the Code of West Virginia, 1931, as amended, relating to providing for the safe disposal of used AFFF fire-fighting foam"; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

**By Delegates W. Hall, Westfall, Jeffries, Hott and Barnhart:**

**H. B. 2861** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-24, relating to defining a nominal fee for providing a referral to an insurance company or producer"; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Jeffries, Householder, Hardy, Worrell, Hott, Phillips, Riley, W. Hall, Kelly, Kimble and Gearheart:**

**H. B. 2862** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-6-11a; and to amend and reenact §12-6C-13 of said code, all relating generally to requirements for shareholder voting by the West Virginia Investment Management Board and the Board of Treasury Investments; defining terms; setting forth applicability of new requirements; establishing the standard of care for shareholder voting; prohibiting the boards from relying on proxy advisory services unless the service provider agrees to make recommendations according to the standard of care; prohibiting the boards from entrusting direct holdings to any manager unless the manager agrees to cast proxy votes according to the standard of care; requiring a contractual agreement between the boards and their fiduciaries that the boards be provided advance notice and the opportunity to advise fiduciaries with respect to certain shareholder votes; prohibiting the boards' fiduciaries from casting the shareholder votes for the purpose of furthering non-pecuniary interests; requiring the boards to exercise any proxy voting choice options for indirect holdings according to the standard of care; and establishing reporting requirements related to shareholder voting"; to the Committee on the Judiciary.

**By Delegate Young:**

**H. B. 2863** - "A Bill to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-8A-5, all relating to creating a homeless education coordinator in counties designated by the state board as an urban county"; to the Committee on Education then Finance.

**By Delegate Westfall:**

**H. B. 2864** - "A Bill to amend and reenact §8-13-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §8-20-10 of said code, all relating to requiring larger municipally owned public water and wastewater systems to meet the same standards for rates as utilities that are regulated under Chapter 24 of the Code, which requires rates to be just, reasonable, applied without unjust discrimination or preference, and based primarily on the cost to provide the utility service"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate Westfall:**

**H. B. 2865** - "A Bill to amend and reenact §24-2H-8 of the Code of West Virginia, 1931, as amended, related to clarifying that the Public Service Commission may enter an order in a distressed or failing utility case requiring corrective measures up to and including an acquisition by an acquiring utility"; to the Committee on Technology and Infrastructure.

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

**H. B. 2866** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §3-1C-1, §3-1C-2, §3-1C-3, and §3-1C-4, all relating to providing the procedure for election observers during elections in the state; eligibility and qualifications of observers; and requiring the Secretary of State to promulgate rules"; to the Committee on the Judiciary.

**By Delegates Steele, Young, Worrell, Foster, Hillenbrand, Shamblin, Kirby, Mazzocchi, Nestor, Brooks and Keaton:**

**H. B. 2867** - "A Bill to amend and reenact §24-2-1 of the Code of West Virginia, 1931, as amended; and by adding thereto a new section designated §24-2-1q, relating to expanding the jurisdiction of the Public Service Commission to include advanced nuclear reactors"; to the Committee on Energy and Manufacturing.

**By Delegate Foster:**

**H. B. 2868** - "A Bill to amend and reenact §8-1-5A of the Code of West Virginia, 1931, as amended, relating to removing the authority of municipalities participating in the Municipal Home Rule Program to impose a municipal sales tax"; to the Committee on Government Organization then Finance.

**By Delegate Young:**

**H. B. 2869** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-1A-12, relating to requiring a warrant for the disclosure of certain third-party information"; to the Committee on the Judiciary.

**By Delegate Westfall:**

**H. B. 2870** - "A Bill to amend and reenact §24-2-11c of the Code of West Virginia, 1931, as amended, relating generally to siting certificates for certain electric generating facilities; correcting a statutory reference"; to the Committee on Energy and Manufacturing.

**By Delegates Kelly, Hott, Honaker, Shamblin, Westfall, Jeffries, Phillips, Reynolds and Sheedy:**

**H. B. 2871** - "A Bill to amend and reenact §15A-10-25 of the Code of West Virginia, 1931, as amended, relating to awarding the service weapon of a retiring State Fire Marshal, any full-time deputy fire marshal or any full-time assistant fire marshal employed by the State Fire Marshal to the retiree without charge when the retiring member honorably retires with at least 10 years of service or with less than 10 years of service based upon determination that the retiring employee is totally physically disabled as a result of service with the State Fire Marshal; prohibiting the award of a service weapon to a retiring employee whom the State Fire Marshal knows is prohibited from possessing a firearm, is mentally incapacitated, or a danger to any person or the community; authorizing the sale of service weapons that are taken out of service due to routine wear to any active or retired State Fire Marshal; providing that proceeds from the sales be used to offset the cost of new service weapons; and exempting the sale from the requirements of the Purchasing Division"; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

**By Delegates Kelly, Hott, Worrell, Kimble, Jeffries, Honaker, Shamblin and Phillips:**

**H. B. 2872** - "A Bill to amend and reenact §15-5-9 of the Code of West Virginia, 1931, as amended, relating to clarifying in instances of non-federally declared emergencies and in instances of non-states of emergency that mutual aid agreements can be entered into for reciprocal aid in bordering counties of other states for day-to-day support for fire and emergency medical service calls without the need for approval by the Governor"; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

**By Delegates Kelly, Hott, Honaker, Shamblin, Westfall, Jeffries, Phillips, Reynolds and Sheedy:**

**H. B. 2873** - "A Bill to amend and reenact §29-32-2 of the Code of West Virginia, 1931, as amended, relating to modifying the approval process requirements for the First Responders Honor

Board to allow for submission of nominations for consideration by the Legislature at other times and/or during other sessions of the Legislature, not just before the first day of the regular legislative session”; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

**By Delegates Kelly, Hott, Honaker, Shamblin, Westfall, Jeffries, Phillips, Reynolds and Sheedy:**

**H. B. 2874** - “A Bill to amend and reenact §60A-4-401 of the Code of West Virginia, 1931, as amended, relating to increasing minimum criminal penalties for certain controlled substance offenses.”; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

**By Delegates Kirby, Steele, C. Pritt, Summers, Foster and Fast:**

**H. B. 2875** - “A Bill to amend and reenact §49-4-114 of the Code of West Virginia, 1931, as amended, relating to giving circuit court judges the authority to waive the requirement that a party pass a home study performed by DHHR or a third-party evaluator before a child can be placed in the home”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

**By Delegate Young:**

**H. B. 2876** - “A Bill to amend and reenact §3-6-9 of the Code of West Virginia, 1931, as amended, relating to requiring that the boards of canvassers transmit electronically to the Secretary of State, on a form prescribed by the Secretary of State, the total ballots cast, counted, and rejected”; to the Committee on the Judiciary.

**By Delegate Young:**

**H. B. 2877** - “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 actions for discriminatory practices before the human rights commission; providing that certain employers with two or more employees are subject to the article; including an individual who provides work for an employer under the terms of an independent contract with the employer in the definition of ‘employee’; and increasing the time period in which to bring an action before the human rights commission to three years after the alleged act of discrimination”; to the Committee on Workforce Development then the Judiciary.

**By Delegates Howell, Linville, Cannon and Clark:**

**H. B. 2878** - “A Bill to amend and reenact §5A-12-3, §5A-12-6, and §5A-12-9 of the Code of West Virginia, 1931, as amended, relating to granting the Fleet Management Division oversight authority of the state vehicle fleet; providing an exclusion for law enforcement vehicles should such oversight conflict with any law enforcement activities; to delineate telematics as a required service for state spending units; removing the requirement to complete vehicle logs in telematics connected vehicles; removing exemptions from the Fleet Management Division; and only permitting exemptions from telematics for law enforcement”; to the Committee on Technology and Infrastructure then Government Organization.

**By Delegates Nestor, Hanna, Martin, Barnhart, Kump, Storch, Honaker, Vance, Crouse, Reynolds and Ridenour:**

**H. B. 2879** - “A Bill amend and reenact §5-5-4b of the Code of West Virginia, 1931, as amended, relating to providing a pay raise and sign-on bonus to correctional personnel in West Virginia to retain current workers and attract new workers to this field”; to the Committee on Jails and Prisons then Finance.

**By Delegates E. Pritt and Griffith:**

**H. B. 2880** - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, and to amend and reenact §17A-10-8 of said code; and to amend and reenact §17B-

2-1 of said code; and to amend and reenact and §17C-16-6 of said code; all relating to removing the fees for license plates; vehicle registration; operator's licenses; and inspection fees for volunteer fire fighters"; to the Committee on Fire Departments and Emergency Medical Services then Finance.

**By Delegate E. Pritt:**

**H. B. 2881** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §24-21-1, relating to requiring all public and private utility systems that are granted rate increases to set aside 5% of these funds for repairs and improvements to the physical utility infrastructure; establishing limitations on the use of these funds; prohibiting passing this cost on to the consumers"; to the Committee on Technology and Infrastructure then Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff**

**[By Request of the Executive]:**

**H. B. 2882** - "A Bill making a supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Economic Development, Office of the Secretary, fund 0256, fiscal year 2023, organization 0307, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2022, known as the budget bill for the fiscal year ending June 30, 2023"; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff**

**[By Request of the Executive]:**

**H. B. 2883** - "A Bill supplementing and amending Chapter eleven, Acts of the Legislature, Regular Session, 2022, known as the budget bill, as amended, in Title II from the appropriations of public moneys out of federal moneys remaining unappropriated, to the Executive, Governor's Office, Coronavirus State Fiscal Recovery Fund, fund 8823, fiscal year 2023, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023"; to the Committee on Finance.

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

**H. B. 2884** - "A Bill to amend and reenact §60A-4-401 of the Code of West Virginia, 1931, as amended, relating to increasing minimum criminal penalties for certain controlled substance offenses"; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Dillon, Ross, Chiarelli, Burkhammer, Pinson and Thorne:**

**H. B. 2885** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2S-1, §16-2S-2, §16-2S-3, and §16-2S-4, all relating to the creation of the Life at Conception Act of 2023; providing for the right to life to be guaranteed to all human beings; creating a short title; establishing the right to life; providing for definitions, and providing for certain additional provisions"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Sheedy, Reynolds, Willis and Longanacre:**

**H. B. 2886** - "A Bill amend and reenact §17C-16-4 and §17C-16-9 of the Code of West Virginia, 1931, as amended, relating to elimination of the requirement of annual inspections of motor vehicles; providing for continuing requirement of inspections of motor vehicles with certain alterations or modifications; and eliminating criminal penalties for operating motor vehicle no longer subject to annual inspection without a certificate or for failure to produce certificate"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Sheedy, Crouse, Willis and Longanacre:**

**H. B. 2887** - "A Bill to repeal §17C-15-44 of the Code of West Virginia, 1931, as amended, relating to safety equipment and requirements for motorcyclists"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Sheedy, Reynolds, Willis and Longanacre:**

**H. B. 2888** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-63, relating to the elimination of statewide contracts that are awarded to out of state vendors by all state agencies and the West Virginia Division of Highways; providing for limited exceptions; and providing for an effective date"; to the Committee on Government Organization.

**By Delegates Honaker, Ferrell, Longanacre, Hott, Pinson, Nestor, Brooks, Kelly, Barnhart, Foster and Maynor:**

**H. B. 2889** - "A Bill to amend and reenact §7-14D-2 of the Code of West Virginia, 1931, as amended, relating to increasing the retirement benefit multiplier of the Deputy Sheriff Retirement System Act from two and one-half percent to three percent of the member's final average salary multiplied by the member's years of credited service"; to the Committee on Pensions and Retirement then Finance.

**By Delegates Gearheart, Ellington, Westfall, Storch, Bridges, Foster, Butler, Householder, Cooper, Dean and Heckert:**

**H. B. 2890** - "A Bill to amend and reenact §18A-5-1 of the Code of West Virginia, 1931, as amended, relating to authority of teachers and other school personnel for discipline of students; teacher's responsibility to make a report after sending a student to the principal's office for disorderly conduct; removal of student from classroom when disruptive; and requiring each county school board to implement a tier system policy, with teacher input, to provide a framework for student behaviors and punishments"; to the Committee on Education.

**By Delegate Foster:**

**H. B. 2891** - "A Bill to repeal §8-13-10 of the Code of West Virginia, 1931, as amended, relating to eliminating the domestic animal tax"; to the Committee on Finance.

**By Delegate Young:**

**H. B. 2892** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §24-9-1, relating to prohibiting public utilities from terminating or disconnecting services during a state disaster emergency declared by executive order; creating duty to restore service; requiring public utility to enter into deferred payment agreement with residential customer during state of emergency; prohibiting public utility from disconnecting service for 180 days providing notice to residential customer; and establishing right of public utilities to recover funds owed in normal course following the state of emergency"; to the Committee on Government Organization then the Judiciary.

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

**H. B. 2893** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §5-10-22m and §5-10-22n; and to amend said code by adding thereto two new sections, designated §18-7A-26x and §18-7A-26y; all relating to establishing a one-time bonus payment for certain retirants who are 70 years of age or older as of July 1, 2023, who have 20 or more years of credited service, and who receive a monthly retirement benefit of less than \$1,000; and establishing a minimum monthly retirement benefit for certain retirants who

are 70 years of age or older as of July 1, 2023, and who have 25 or more years of total service”; to the Committee on Pensions and Retirement then Finance.

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

**H. B. 2894** - “A Bill to amend the code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, §11-13MM-3, §11-13MM-4, §11-13MM-5, and §11-13MM-6; all relating to authorizing a refundable tax credit, applied against personal income tax or corporation net income tax, as applicable, in the amount of property tax timely paid on Class A, Class B, Class G, Class H, Class T, Class V, and Class X motor vehicles, all-terrain vehicles and utility terrain vehicles during the income tax taxable year; designating a short title; providing definitions; providing for the application of tax credit; specifying refundable tax credit; specifying retroactive effect; providing for the treatment of credit upon transfer of eligible motor vehicle; and providing for an effective date”; to the Committee on Finance.

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

**H. B. 2895** - “A Bill to amend and reenact §15A-3-7 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Corrections and Rehabilitation to grant a cost of living stipend to correctional officers employed by the Division of Corrections and Rehabilitation; providing that the cost of living stipend may be granted in an amount up to \$10,000 per year at the discretion of the Commissioner; providing that the cost of living stipend shall not be counted toward retirement, separation from employment, or other such benefits under West Virginia law, rule, or regulation; and providing the Commissioner shall notify the Governor and the Legislature of the facility and location where a stipend is granted, the amount of the stipend, and the number of employees to receive the stipend within 30 days of his or her decision”; to the Committee on Jails and Prisons then Finance.

**By Delegates Anderson, Zatezalo, Hanshaw (Mr. Speaker), Smith, Riley, Foster, Steele, Tully, Young, Summers and Hott:**

**H. B. 2896** - “A Bill to repeal §16-27-1, §16-27-2, §16-27-3, and §16-27-4 of the Code of West Virginia, 1931, as amended; to repeal §16-34-1, §16-34-2, §16-34-3, §16-34-4, §16-34-5, §16-34-6, §16-34-7, §16-34-8, §16-34-9, §16-34-10, §16-34-11, §16-34-12, §16-34-13, and §16-34-14 of said code; to amend and reenact §18-9E-3 of said code; to amend said code by adding thereto a new section, designated §22-34-1, §22-34-2, §22-34-3, §22-34-4, §22-34-5, §22-34-6, §22-34-7, §22-34-8, §22-34-9, §22-34-10, §22-34-11, §22-34-12, §22-34-13, §22-34-14, §22-34-15, §22-34-16, §22-34-17, §22-34-18, §22-34-19, §22-34-20, and §22-34-21; to amend said code by adding thereto a new section, designated §22-35-1, §22-35-2, §22-35-3, §22-35-4, §22-35-5, §22-35-6, §22-35-7, §22-35-8, §22-35-9, §22-35-10, §22-35-11, §22-35-12, §22-35-13 and §22-35-14; and to amend and reenact §29-1H-3 and §29-1H-5 of said code, all relating to the creation of the Radiation Control Act; providing for declaration of policy and purpose; providing for certain definitions; providing for an exemption; providing for the creation of a Radiation Advisory Board and the composition, compensation, and duties associated with the Board; providing that the Department of Environmental Protection shall be designated as the State Radiation Control Agency; providing for Radon education, screening, testing, and mitigation; providing for inspections of X-ray machines, and providing for reports, fees, and qualifications of such inspectors; defining the costs of inspection conducted by the Department of Environmental Protection and the fees to be used to support the program; clarifying the licensing of radioactive material; providing for surety requirements; creating the Radiation Site Closure and Reclamation Fund; creating the Radiation Licensure and Inspection Fund; allowing for impounding sources of ionizing radiation; providing authority for the Governor to enter into agreements with the federal government; defining the authority of the Department to enter into agreements with the federal government, other states or interstate agencies, and providing training programs for personnel;

defining the effect on local ordinances; providing for administrative procedure and judicial review; creating an enforcement section with civil penalties; defining criminal and civil penalties; providing for the licensure of radon mitigators, testers, contractors and laboratories; providing for legislative findings and definitions; requiring a license and providing for exemptions; providing for special licensure requirements; creating powers and duties of the secretary; defining rules; providing for a complain mechanism; creating a licensed tester, mitigator and contractor list; providing for record keeping and confidentiality; creating a special revenue account; providing for reciprocity; creating a records review; providing for reprimands; suspension or revocation of a license with a process for orders and hearings; defining criminal penalties; and providing that the Secretary of the Department of Environmental Protection shall have authority over the Appalachian States Low-Level Radioactive Waste Compact"; to the Committee on Energy and Manufacturing then the Judiciary then Finance.

**By Delegate Young:**

**H. B. 2897** - "A Bill to amend and reenact §3-3-1 and §3-3-2 of the Code of West Virginia, 1931, as amended, all relating to absentee voting, by removing specifications for permission to vote by absentee ballot and allowing all voters to request and vote by absentee ballot"; to the Committee on the Judiciary.

**Special Calendar**

**Third Reading**

**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.

On motion of Delegate Kimble, the bill was committed to the Committee on the Judiciary.

**Com. Sub. for H. B. 2412**, Declaring November 14 every year, a special Memorial Day in remembrance of the Marshall University airplane crash; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

On motion of Delegate Hornbuckle, the bill was amended on page 2, section 1a, line 35, by striking out the words "Airplane Crash" and inserting in lieu thereof, the words "75 Memorial".

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. 20**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, Gearheart, Honaker, McGeehan, Sheedy, Ward, Westfall and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2412) passed.

Delegates Gearheart, Sheedy and Worrell, who were absent on Roll No. 20, noted to the Clerk that they would have voted "Yea" thereon.

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



### Second Reading

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

### First Reading

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

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

**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,

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

And,

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

### Leaves of Absence

At the request of Delegate Kimble, and by unanimous consent, leaves of absence for the day were granted Delegates Ellington, Gearheart, Honaker, McGeehan, Sheedy, Ward, Westfall and Worrell.

### 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. 2038**: Delegates Burkhammer, Horst, Kirby, Martin and C. Phillips;

**H. B. 2062**: Delegate Barnhart;

**H. B. 2189**: Delegates Householder and Ridenour;

**H. B. 2191**: Delegate Brooks;

**H. B. 2198**: Delegate Tully;

**H. B. 2308**: Delegate Martin;

- H. B. 2390:** Delegates Horst, Kirby, McGeehan, C. Phillips and Ridenour;
- H. B. 2440:** Delegates Horst, Kirby, C. Phillips and Ridenour;
- H. B. 2497:** Delegates Burkhammer, Horst, Kirby, McGeehan and C. Phillips;
- H. B. 2498:** Delegates Kirby, Horst and C. Phillips;
- H. B. 2499:** Delegates Burkhammer, Horst, Kirby, C. Phillips, Pinson and Ridenour;
- H. B. 2500:** Delegates Horst, Kirby, McGeehan and C. Phillips;
- H. B. 2501:** Delegates Burkhammer, Horst, Kirby, C. Phillips and Pinson;
- H. B. 2502:** Delegates Horst, Kirby and C. Phillips;
- H. B. 2537:** Delegate E. Pritt;
- H. B. 2611:** Delegates Hott and Westfall;
- H. B. 2770:** Delegate Brooks;
- H. B. 2756:** Delegate Rohrbach;
- H. B. 2759:** Delegate Reynolds;
- H. B. 2770:** Delegate Brooks;
- H. B. 2779:** Delegate Brooks;
- H. B. 2794:** Delegate Brooks;
- And,
- H. B. 2854:** Delegate Clark.

At the request of Delegate Linville, and by unanimous consent, the names of the 75 individuals who died in the Marshall University airplane crash, which were read by Delegate Hornbuckle, were ordered printed in the Appendix to the Journal.

At 11:46 a.m., the House of Delegates adjourned until 11:00 a.m., Monday, January 23, 2023.

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

## **SPECIAL CALENDAR**

**Monday, January 23, 2023**

**13<sup>th</sup> Day**

**11:00 A. M.**

### **THIRD 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)

### **SECOND 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)

### **FIRST READING**

- Com. Sub. for H. B. 2754 - Relating to immunizations performed in a pharmacy (SUMMERS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2757 - 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 (SUMMERS) (REGULAR)
- H. B. 2776 - Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 2777 - Updating federal taxable income and other terms in the West Virginia Corporation Net Income Tax Act (CRISS) (EFFECTIVE FROM PASSAGE)

**HOUSE CALENDAR**

**Monday, January 23, 2023**

**13<sup>th</sup> Day**

**11:00 A. M.**

**(No Bills)**

**WEST VIRGINIA  
HOUSE OF DELEGATES**

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**MONDAY, JANUARY 23, 2023**

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

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**COMMITTEE ON EDUCATION  
1:00 P.M. – ROOM 432-M**

**COMMITTEE ON GOVERNMENT ORGANIZATION  
1:00 P.M. – ROOM 215-E**

**COMMITTEE ON THE JUDICIARY  
3:00 P.M. – ROOM 410-M**

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**WEDNESDAY, JANUARY 25, 2023**

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**RULE-MAKING REVIEW COMMITTEE  
9:00 A.M. – ROOM 208-W**





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