

West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Seventh Legislature
First Regular Session

Held at Charleston
Published by the Clerk of the House



February 19, 2025
EIGHTH DAY

Wednesday, February 19, 2025

EIGHTH DAY

[DELEGATE ROHRBACH, MR. SPEAKER PRO TEMPORE, IN THE CHAIR]

The House of Delegates was called to order by the Honorable Matthew Rohrbach, Speaker Pro Tempore.

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

The Clerk proceeded to read the Journal of Tuesday, February 18, 2025, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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. 2053, Relating to including the United States Space Force in the definition armed forces,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2053 - "A Bill to amend and reenact §5-10-15, §8-22A-2, §9A-3-1, §11-21-12, §15-2-28, §15-2A-2, §18-7A-17a, §18-10F-2, §30-29-6, §48-31-102, and §62-16-3 of the Code of West Virginia, 1931, as amended, relating to including the United States Space Force in the definitions of certain terms that individually reference the Armed Forces of the United States,"

With the recommendation that the committee substitute do pass.

Resolutions Introduced

Resolutions were introduced and severally referred as follows:

By Delegates Moore, Mazzocchi, Shamblin, Heckert, Masters, Drennan, Dittman, Campbell, Zatezalo, Jennings and Willis:

H. C. R. 51 --"Requesting the Division of Highways name bridge number 53-032/003.45, locally known as the Peewee Pony Truss (SSPT), carrying CR 032 over Right Fork Reedy Creek in Wirt County, the "U. S. Army PFC Roy Lee Hill Memorial Bridge""; to the Committee on Energy and Public Works then Rules

By Delegates Crouse, Moore, Drennan, Hornby, Horst, Brooks, Masters, Clay and D. Cannon:

H. C. R. 52 --"Requesting the Division of Highways name Bridge Number: 40-064/00-044.47 () (40A075), (38.44092, -81.83320) locally known as I-64 NITRO INTERCHANGE BRIDGE, carrying IS 064 over WV25, CR25/30, N&S RR in Putnam County, the "Ronnie W. Matthews Memorial Bridge."; to the Committee on Energy and Public Works then Rules

By Delegates Ridenour, Maynor, Butler, Ward, Hillenbrand, Phillips, Kump, Roop, Jennings, Kimble and Petitto:

H. C. R. 53 --"Recognizing that West Virginia has standing in matters relating to issues that impact people of this state"; to the Committee on the Judiciary then Rules

And,

By Delegate Sheedy:

H. C. R. 54 --"Requesting the Division of Highways name bridge number 52-009/00.004.54(52A159) at Latitude/Longitude 39.70766, -80.53262, locally known as Sugar Run Bridge carrying CR 09 over West Virginia Fork of Fish Creek in Wetzel County, the "U. S. Army Private First Class Howard Bissett Memorial Bridge"; to the Committee on Energy and Public Works then Rules

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

By Delegates McGeehan, Hite, Hornby, Anders, Chiarelli and Dillon:

H. J. R. 21 - " Proposing an amendment to the Constitution of the State of West Virginia amending article X thereof by adding thereto a new section, designated section five-a, relating to taxes and fees; providing that bills imposing a tax or license fee and bills increasing the effective rate of any tax levied or fee imposed may not be enacted unless two thirds of the members of each house, present and voting, vote in the affirmative for passage; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of the proposed amendment"; to the Committee on Finance then the Judiciary.

Bills Introduced

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

By Delegates McGeehan, Pinson and Ward:

H. B. 2596 - "A Bill to amend the Code of West Virginia, 1931, as amended, by creating a new section, designated §11-21-12o, relating to providing that income derived from employment in this state as a law-enforcement officer or a law-enforcement official is an authorized modification reducing federal adjusted gross income for state income tax purposes; providing definitions; and establishing an effective date"; to the Committee on Finance.

By Delegate McGeehan:

H. B. 2597 - "A Bill to amend and reenact §29-22-18d of the Code of West Virginia, 1931; and to repeal §29-22A-10d, §29-22A-10e, §29-22A-10f, §29-22C-27a and §29-25-22b of said code; relating to the transfer of certain revenues derived from lottery activities generally, restoring distribution to the West Virginia Infrastructure Fund to 2013 rates and decreasing the funds available for grants therefrom; restoring the amount that may be transferred to the Racetrack Modernization Fund to 2013 rates; eliminating certain statutory distributions to the State Excess Lottery Revenue Fund; restoring statutory distributions to capital reinvestment, purse funds and development funds to 2013 rates; and eliminating the statutory authorization for distributions to be paid on a pro rata basis"; to the Committee on Finance.

By Delegate McGeehan:

H. B. 2598 - "A Bill to amend and reenact §49-4-712 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §49-4-712a, relating to requiring parents, guardians, or custodians to participate in programs for juveniles in

an out-of-home placement unless there is a finding by the court that said participation is not in the best interest of the juvenile; requiring certain services to include programs that require the participation of parents, guardians, or custodians unless there is a finding by the court that said participation is not in the best interest of the juvenile; requiring provisions in a valid court order to enforce certain compliance mandating that parents, guardians, or custodians participate in programs for juveniles in an out-of-home placement; and requiring parents, guardians, or custodians to participate in programs designed for out-of-home placement including family therapy sessions offered by the treatment provider unless there is a finding by the court that said participation is not in the best interest of the juvenile"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates McGeehan, Anders, White, Dillon and Pritt:

H. B. 2599 - "A Bill to amend and reenact §11-21-3 of the Code of West Virginia, 1931, as amended, relating to abolishing the personal income tax"; to the Committee on Finance.

By Delegates McGeehan, Anders, White, Chiarelli and Pritt:

H. B. 2600 - "A Bill to amend and reenact §11-3-9 and §11-21-12 of the Code of West Virginia, 1931, as amended; relating to exempting firefighters and volunteer firefighters from payment of income and real and personal property taxes"; to the Committee on Finance.

By Delegates McGeehan, Anders, White, Dillon and Pritt:

H. B. 2601 - "A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to personal property tax; exempting motor vehicles from personal property tax"; to the Committee on Finance.

By Delegate McGeehan:

H. B. 2602 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §18-1-5, relating to school curricular standards and assessments; discontinuing the use of common core standards and assessments in the state"; to the Committee on Education.

By Delegates McGeehan and Pritt:

H. B. 2603 - "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to personal income tax; exempting personal income earned by individuals working as teachers at primary and secondary schools from personal income tax"; to the Committee on Education then Finance.

By Delegate McGeehan:

H. B. 2604 - "A Bill to amend and reenact §11-21-12d of the Code of West Virginia, 1931, as amended, relating to continuing personal income tax adjustment to gross income of certain retirees receiving pensions from defined pension plans that terminated and are being paid a reduced maximum benefit guarantee"; to the Committee on Finance.

By Delegates Fehrenbacher, Crouse, Hall, Barnhart, Heckert, Holstein, G. Howell, Moore, Dittman and Drennan:

H. B. 2605 - "A Bill to amend and reenact §11-21-97 of the Code of West Virginia, 1931, as amended, and to amend and reenact §11-24-44 of said code, all relating to increasing tax credit for employers providing child care for employees"; to the Committee on Finance.

By Delegates Pritt, Hornby, Moore, Dittman, Drennan, W. Clark, Mazzocchi, T. Howell, Pinson, Chiarelli and Hornbuckle:

H. B. 2606 - "A Bill to amend and reenact §16-5K-6 of the Code of West Virginia, 1931, as amended, relating to professional service provided to the West Virginia Birth-to-Three program

by therapists and other professionals who are not employed by a state agency; and providing a 25 percent increase payment for those services"; to the Committee on Health and Human Resources then Finance.

By Delegate Kump:

H. B. 2607 - "A Bill to amend and reenact §16-18-3, §16-18-8 and §54-1-2 of the Code of West Virginia, 1931, as amended; relating to changing which properties may be taken by eminent domain and the causes for such takings"; to the Committee on the Judiciary.

By Delegates Hillenbrand, Ridenour, Sheedy, Brooks, Funkhouser, White and Mazzocchi:

H. B. 2608 - "A Bill to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended, relating to requiring independent candidates for political office to file for office as an independent in January of an election year"; to the Committee on the Judiciary.

By Delegates Hillenbrand, Horst, Masters, Ridenour, Sheedy, Hite, Moore and Mazzocchi:

H. B. 2609 - "A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by inserting thereto a new article, designated §47-29-1, §47-29-2, §47-29-3, and §47-29-4; relating to empowering parents with control over software application downloads for children under 16; setting forth definitions; and establishing penalties"; to the Committee on Energy and Public Works then the Judiciary.

By Delegates Cooper and Heckert:

H. B. 2610 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §18B-10-7e, relating to providing a waiver of tuition and fees at state institutions of higher education and community and technical colleges for military veterans, their spouses, and dependents, when that veteran has a service-related disability of 50 percent or greater"; to the Committee on Education then Finance.

By Delegates Anders, Kump and Bridges:

H. B. 2611 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §1-1-6, relating to admitting localities or territories contiguous to the borders of West Virginia into the state for all purposes and responsibilities"; to the Committee on the Judiciary.

By Delegates Akers and Roop:

H. B. 2612 - "A Bill to amend and reenact §15-2B-10 of the Code of West Virginia, 1931, as amended, relating to clarifying when DNA records may be used"; to the Committee on the Judiciary.

By Delegates Clay, Pritt, Brooks, DeVault, T. Howell, Willis, Maynor, Chiarelli, Adkins, Linville and Bridges:

H. B. 2613 - "A Bill to amend and reenact §60A-4-401, §60A-4-409, §60A-4-414, and §60A-4-416 of the Code of West Virginia, 1931, as amended, relating to controlled substances violations; increasing sentences for certain controlled substances offenses; making certain offenses ineligible for suspension, probation, or alternative sentencing; making possession of Schedule I and II narcotics and methamphetamine a felony; expressing legislative intent; authorizing reduction from felony to misdemeanor under certain circumstances; declaring a minimum period of 10 years' incarceration for the offense of drug delivery death; requiring inert substances mixed with controlled substances to be considered a controlled substance for

purposes of weight measurement; setting forth a method for measurement where more than one controlled substance is in a mixture; and modifying sentences for certain offenses"; to the Committee on the Judiciary.

By Delegates Toney, Hanshaw (Mr. Speaker), Vance, Ellington, Shamblin, Dittman, Cooper, Rohrbach and Campbell:

H. B. 2614 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-10b, relating to providing an optional lump sum payment of accrued personal leave to full-time employees of a county school board upon the ending of full-time employment due to death"; to the Committee on Education then Finance.

By Delegate Pritt:

H. B. 2615 - "A Bill to amend and reenact §7-14-8 of the Code of West Virginia, 1931, as amended, relating to extending the time during which deputy sheriffs who have separated from their departments may apply for reinstatement from two to five years"; to the Committee on Finance.

By Delegate Pritt:

H. B. 2616 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-13A-26, relating to publication of notices of federal or state violations by public service districts"; to the Committee on the Judiciary.

By Delegates Horst, Jennings, Crouse, Masters, Willis, Maynor, Funkhouser, Worrell, Jeffries, Kimble and Butler:

H. B. 2617 - "A Bill to amend and reenact §20-1-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-7-4 of said code, relating to warrantless entry of private lands; setting forth limitations of entry onto private lands; clarifying the process for law enforcement entry onto posted private lands; and clarifying the use of surveillance cameras on or near posted private lands"; to the Committee on the Judiciary.

By Delegates Horst, Jennings, D. Smith, Coop-Gonzalez, Hornby, Masters, Worrell, Jeffries, Maynor, Crouse and White:

H. B. 2618 - "A Bill to amend and reenact §61-7-7 of the Code of West Virginia, 1931, as amended, relating to granting an automatic restoration of Second Amendment rights upon completion of a sentence and any court-ordered penalties, restitution, or fines to those convicted of nonviolent felonies"; to the Committee on the Judiciary.

By Delegate Pritt:

H. B. 2619 - "A Bill to amend and reenact §17-22-2 and §17-22-4 of the Code of West Virginia, 1931, as amended; relating to prohibiting 'lewd public content' from being advertised anywhere in West Virginia"; to the Committee on the Judiciary.

By Delegate Pritt:

H. B. 2620 - "A Bill to amend and reenact §17C-5-3 of the Code of West Virginia, 1931, as amended, relating to reckless driving offenses; and providing that driving at speeds that exceed 25 miles per hour over posted speed limits is a reckless driving offense; and criminal penalties"; to the Committee on the Judiciary.

By Delegate Pritt:

H. B. 2621 - "A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new article, designated §16-67-1, §16-67-2, §16-67-3, §16-67-4, §16-67-5, and §16-67-6,

relating to describing the process of involuntary treatment for substance use disorder; the patient's rights; criteria for involuntary treatment; petitions for treatment; proceedings for involuntary treatment; emergency treatment; and summons issued by the court"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sheedy, Horst and Bridges:

H. B. 2622 - "A Bill to amend and reenact §17A-2-8 of the Code of West Virginia, 1931, as amended, relating to eliminating satellite DMV offices and restoring their functions to private organizations"; to the Committee on Government Organization.

By Delegates Sheedy, Horst, Bridges, Coop-Gonzalez and Foggin:

H. B. 2623 - "A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by repealing §5-16-1, §5-16-2, §5-16-3, §5-16-4, §5-16-5, §5-16-5a, §5-16-7, §5-16-7a, §5-16-7b, §5-16-7c, §5-16-7d, §5-16-7e, §5-16-7f, §5-16-7g, §5-16-8, §5-16-8a, §5-16-9, §5-16-10, §5-16-11, §5-16-12, §5-16-12a, §5-16-12b, §5-16-13, §5-16-14, §5-16-15, §5-16-16, §5-16-17, §5-16-18, §5-16-19, §5-16-20, §5-16-21, §5-16-22, §5-16-23, §5-16-24, §5-16-24a, §5-16-25, §5-16-26, §5-16-28, §5-16-29, §5-16-30, §5-16-31, and §5-16-32; and inserting thereto a new section, designated §5-16-33; all relating to repealing the West Virginia Public Employees Insurance Act; and providing that beginning January 1, 2026, health insurance, dental insurance, and vision insurance for public employees shall be provided by contract, the term period for which shall be for four years"; to the Committee on Health and Human Resources then Finance.

By Delegate Steele:

H. B. 2624 - "A Bill to amend and reenact §61-3-13 of the code of West Virginia Code, 1931, as amended, relating to the criminal offenses of larceny; reforming the monetary amounts constituting petit larceny and grand larceny; modifying the criminal penalties upon conviction of the offense of grand larceny by eliminating the alternative sentencing of one year and increasing the maximum fine, and creating a new criminal offense of aggravated grand larceny and establishing criminal penalties upon conviction thereof"; to the Committee on the Judiciary.

By Delegate Steele:

H. B. 2625 - "A Bill to repeal §61-3-36 of the Code of West Virginia, 1931, as amended, relating to the anchoring or beaching of shanty boats on lands of another"; to the Committee on the Judiciary.

By Delegate Steele:

H. B. 2626 - "A Bill to amend and reenact §6-7-2 of the Code of West Virginia, 1931, as amended, relating to providing a housing allowance of \$2,000 per month for designated state constitutional officers to assist in residing in the seat of state government"; to the Committee on Finance.

By Delegate Steele:

H. B. 2627 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §5B-2P-1, §5B-2P-2, §5B-2P-3 and §5B-2P-4; and to amend said code by adding thereto a new section, designated §22-5-11b of said code, relating generally to the Natural Gas Fired Electricity Generation Development Act of 2025; providing for a short title; making legislative findings and declarations; and requiring designation of suitable sites for natural gas electric generation and reporting to the Division of Air Quality of the West Virginia Department of Environmental Protection and the West Virginia Public Service Commission; requiring construction and operating permits for natural gas electric generation facilities, including expedited consideration"; to the Committee on Energy and Public Works.

By Delegates Riley, W. Clark and Funkhouser:

H. B. 2628 - "A Bill to amend and reenact §61-2-10b of the Code of West Virginia, 1931, as amended, relating to adding definition of police service canine and revising definition of law enforcement officer to include police service canine"; to the Committee on the Judiciary.

By Delegates Young and Horst:

H. B. 2629 - "A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to exempting firearm safe storage products from the consumer sales tax"; to the Committee on Finance.

By Delegates Vance, McGeehan, Hornby and Jeffries:

H. B. 2630 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto four new sections, designated §7-1-17, §18-2-46, §18-5-52, and §29-6-29; relating to mandatory drug testing for all classes of employees of county commissions, the state of West Virginia, State Board of Education, and in K through 12 schools"; to the Committee on Education then the Judiciary then Energy and Public Works.

By Delegates Vance, Worrell, McGeehan, Hornby, Jeffries and Dean:

H. B. 2631 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-3E-1, §16-3E-2, §16-3E-3, and §16-3E-4, all relating to requiring information to be provided orally to all patients in order for the patient to give informed consent knowing all potential outcomes for all medical tests, prescriptions, and treatments; providing a short title; defining terms; creating rights for patients; and establishing monetary penalties and revocation of licensure for violations"; to the Committee on Health and Human Resources.

By Delegates Vance, Brooks, Toney and Dean:

H. B. 2632 - "A Bill to amend and reenact §5-10-22n and §18-7A-26y of the Code of West Virginia, 1931, as amended; relating to the Public Employees Retirement System and the State Teachers Retirement System; and providing a graduated increase in retirement benefits over a three-year period"; to the Committee on Finance.

By Delegates Vance and Dean:

H. B. 2633 - "A Bill amend and reenact §20-2-5j of the Code of West Virginia, 1931, as amended, relating to permitting the tracking of mortally wounded deer, elk, turkey, wild boar, or bear by a dog or dogs remotely controlled by an electric dog collar"; to the Committee on Government Organization.

By Delegates Vance, Brooks, Toney, Hornby, D. Smith, Jeffries, Phillips, Ferrell and Dean:

H. B. 2634 - "A Bill to amend and reenact §61-8B-5, §61-8B-9, §61-8D-5 and §61-8D-6 of the Code of West Virginia, 1931, as amended; relating to increasing penalties for child sexual assault and sexual abuse, and for distributing, possessing, and transporting material depicting a child engaged in sexually explicit conduct, and to clarify that failure to report sexual assault, sexual abuse, or sexual exploitation of a child is a felony"; to the Committee on the Judiciary.

By Delegates Vance, Hornby, Brooks, Toney, Hanshaw (Mr. Speaker), Rohrbach, D. Smith, Jeffries, Ferrell, Dean and Riley:

H. B. 2635 - "A Bill to amend and reenact §18-5-18a of the Code of West Virginia, 1931, as amended, relating to making classroom sizes equal so that aides can be best utilized and one-on-one time with teachers and students can be maximized without losing the use of an aide"; to the Committee on Education then Finance.

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. 2061: Delegate Miller;

H. B. 2154: Delegate Dillon;

H. B. 2158: Delegates Mazzocchi and Young;

H. B. 2382: Delegate Rohrbach;

H. B. 2460: Delegate Masters;

H. B. 2476: Delegate Lucas;

H. B. 2491: Delegate Kyle;

H. B. 2606: Delegate Chiarelli;

H. B. 2635: Delegate Riley;

H. C. R. 22: Delegate Lewis;

And,

H. C. R. 51: Delegates Barnhart and Foggin.

Pursuant to House Rule 94b, a form was filed with the Clerk's Office to be removed as a cosponsor of the following:

H. B. 2081: Delegate Brooks;

H. B. 2403: Delegate Lucas;

H. B. 2406: Delegate Lucas;

H. B. 2409: Delegate Funkhouser;

H. B. 2545: Delegate Roop;

And,

H. B. 2623: Delegate Stephens.

At 11:17 a.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 20, 2025.

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

SPECIAL CALENDAR

Thursday, February 20, 2025

9th Day

11:00 A.M.

FIRST READING

Com. Sub. for H. B. 2053 - Relating to including the United States Space Force in the definition armed forces

HOUSE CALENDAR

Thursday, February 20, 2025

9th Day

11:00 A.M.

NO BILLS

WEST VIRGINIA HOUSE OF DELEGATES

THURSDAY, FEBRUARY 20, 2024

HOUSE CONVENES AT 11:00 A.M.

COMMITTEE ON FINANCE

9:00 A.M. – FINANCE COMMITTEE ROOM 460M

COMMITTEE ON JUDICIARY

9:00 A.M. – JUDICIARY COMMITTEE ROOM 410M

SUBCOMMITTEE ON COURTS

9:30 A.M. – JUDICIARY COMMITTEE ROOM - 410M

SUBCOMMITTEE ON HOMELAND SECURITY

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

SUBCOMMITTEE ON LEGAL SERVICES

10:30 A.M. – JUDICIARY COMMITTEE ROOM 410M

COMMITTEE ON ENERGY AND PUBLIC WORKS

3:00 P.M. – JUDICIARY COMMITTEE ROOM 410M

SUBCOMMITTEE ON PUBLIC HEALTH

3:00 P.M. – HEALTH COMMITTEE ROOM 215E

SUBCOMMITTEE HUMAN SERVICES

4:00 P.M. – HEALTH COMMITTEE ROOM 215E

SUBCOMMITTEE ON PUBLIC EDUCATION

1:00 P.M. – EDUCATION COMMITTEE ROOM 432M

SUBCOMMITTEE ON EDUCATIONAL CHOICE

2:00 P.M. – EDUCATION COMMITTEE ROOM 432M

SUBCOMMITTEE ON AGRICULTURE, COMMERCE AND TOURISM

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

SUBCOMMITTEE ON HEALTH CARE REGULATIONS
3:00 P.M. – HEALTH COMMITTEE ROOM 215E

SUBCOMMITTEE ON HUMAN SERVICES
4:00 P.M. – HEALTH COMMITTEE ROOM 215E

HOUSE OF DELEGATES
JEFFREY PACK, Clerk
Building 1, Room M-212
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Charleston, WV 25305-0470